

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 23 be amended to read as follows:

- 1 Page 51, delete line 32.
- 2 Page 52, between lines 30 and 31, begin a new paragraph and insert:
- 3 SECTION 24. IC 36-7-26-1 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. This chapter applies
- 5 to the following:
- 6 (1) A city having a population of more than seventy-five thousand
- 7 (75,000) but less than ninety thousand (90,000).
- 8 (2) A city having a population of more than one hundred five
- 9 thousand (105,000) but less than one hundred twenty thousand
- 10 (120,000).
- 11 (3) A city having a population of more than one hundred fifty
- 12 thousand (150,000) but less than five hundred thousand
- 13 (500,000).
- 14 (4) A city having a population of more than one hundred twenty
- 15 thousand (120,000) but less than one hundred fifty thousand
- 16 (150,000).
- 17 **(5) Warrick County.**
- 18 SECTION 25. IC 36-7-26-1.5 IS ADDED TO THE INDIANA
- 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 20 [EFFECTIVE JULY 1, 2010]: **Sec. 1.5. Notwithstanding any other**
- 21 **provision of this chapter, the following apply to a county described**
- 22 **in section 1(5) of this chapter:**
- 23 **(1) The authority to establish a district in the county expires**
- 24 **on January 1, 2015, if the board fails to approve a resolution**

1 **designating a district in the county before January 1, 2015.**

2 **(2) A district designated in the county expires on January 1,**
 3 **2015, if the commission fails to issue bonds to finance a local**
 4 **public improvement project in the district before January 1,**
 5 **2015.**

6 SECTION 26. IC 36-7-26-2 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) Present economic
 8 conditions in certain areas of certain cities are stagnant or deteriorating.

9 (b) Present economic conditions in such areas are beyond remedy
 10 and control by existing regulatory processes because of the substantial
 11 public financial commitments necessary to encourage significant
 12 increases in economic activities in such areas.

13 **(c) Economic development of certain reclaimed coal land near**
 14 **the Blue Grass Fish and Wildlife Area and Interstate Highway 164**
 15 **is vital for a county described in section 1(5) of this chapter.**

16 ~~(c)~~ **(d)** Encouraging economic development in these areas will:

17 (1) attract new businesses and encourage existing business to
 18 remain or expand;

19 (2) increase temporary and permanent employment opportunities
 20 and private sector investment;

21 (3) protect and increase state and local tax bases; and

22 (4) encourage overall economic growth in Indiana.

23 ~~(d)~~ **(e)** Redevelopment and stimulation of economic development
 24 benefit the health and welfare of the people of Indiana, are public uses
 25 and purposes for which the public money may be spent, and are of
 26 public utility and benefit.

27 ~~(e)~~ **(f)** Economic development in such areas can be accomplished
 28 only by a coordinated effort of local and state governments.

29 ~~(f)~~ **(g)** This chapter shall be liberally construed to carry out the
 30 purposes of this chapter and to provide **the county described in**
 31 **section 1(5) of this chapter and** cities with maximum flexibility to
 32 accomplish those purposes.

33 SECTION 27. IC 36-7-26-11 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 11. As used in this
 35 chapter, "local public improvement" means any redevelopment project
 36 or purpose of a commission, **a county described in section 1(5) of this**
 37 **chapter**, or any city under:

38 (1) this chapter; ~~or~~

39 (2) IC 36-7-14;

40 (3) **IC 36-7-14.5; or**

41 (4) **IC 36-7-25.**

42 SECTION 28. IC 36-7-26-14, AS AMENDED BY P.L.185-2005,
 43 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 44 JULY 1, 2010]: Sec. 14. (a) Whenever a commission determines that
 45 the redevelopment and economic development of an area situated
 46 within the commission's jurisdiction may require the establishment of

1 a district, the commission shall cause to be assembled data sufficient
 2 to make the determinations required under section 15 of this chapter,
 3 including the following:

4 (1) Maps and plats showing the boundaries of the proposed
 5 district.

6 (2) A complete list of street names and the range of street
 7 numbers of each street situated in the proposed district.

8 (3) A plan for the redevelopment and economic development of
 9 the proposed district. The plan must describe the local public
 10 improvements necessary or appropriate for the redevelopment or
 11 economic development.

12 (b) For a city described in section 1(2) or 1(3) of this chapter, the
 13 proposed district must contain a commercial retail facility with at least
 14 five hundred thousand (500,000) square feet, and any distributions
 15 from the fund must be used in the area described in subsection (a) or
 16 in areas that directly benefit the area described in subsection (a).

17 (c) For a city described in section 1(4) of this chapter, the proposed
 18 district may not contain any territory outside the boundaries of a
 19 redevelopment project area established within the central business
 20 district of the city before 1985.

21 **(d) For a county described in section 1(5) of this chapter, the**
 22 **proposed district must:**

23 **(1) be located in whole or in part on reclaimed coal land near**
 24 **the Blue Grass Fish and Wildlife Area and Interstate**
 25 **Highway 164; and**

26 **(2) adjoin the northernmost boundary of the Blue Grass Fish**
 27 **and Wildlife Area.**

28 SECTION 29. IC 36-7-26-16 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 16. (a) **This subsection**
 30 **does not apply to a county described in section 1(5) of this chapter.**
 31 Upon adoption of a resolution designating a district under section 15
 32 of this chapter, the commission shall submit the resolution to the board
 33 for approval. In submitting the resolution to the board, the commission
 34 shall deliver to the board:

35 (1) the data required under section 14 of this chapter;

36 (2) the information concerning the proposed redevelopment and
 37 economic development of the proposed district; and

38 (3) the proposed utilization of the revenues to be received under
 39 section 23 of this chapter.

40 This information may be modified from time to time after the initial
 41 submission. The commission shall provide to the board any additional
 42 information that the board may request from time to time.

43 **(b) This subsection applies only to a county described in section**
 44 **1(5) of this chapter. Upon adoption of a resolution designating a**
 45 **district under section 15 of this chapter, the commission shall**
 46 **submit the resolution to the county fiscal body and the county**

1 **executive for ratification and then shall submit the resolution to the**
 2 **board for approval. In submitting the resolution to the board, the**
 3 **commission shall deliver to the board:**

- 4 **(1) the data required under section 14 of this chapter;**
 5 **(2) the information concerning the proposed redevelopment**
 6 **and economic development of the proposed district; and**
 7 **(3) the proposed use of the revenues to be received under**
 8 **section 23 of this chapter.**

9 **This information may be modified periodically after the initial**
 10 **submission. The commission shall provide to the board any**
 11 **additional information that the board requests.**

12 ~~(b)~~ (c) Upon adoption of a resolution designating a district under
 13 section 15 of this chapter, and upon approval of the resolution by the
 14 board under subsection (a), the commission shall publish (in
 15 accordance with IC 5-3-1) notice of the adoption and ~~purpose~~ **purpose**
 16 of the resolution and of the hearing to be held. The notice must provide
 17 a general description of the boundaries of the district and state that
 18 information concerning the district can be inspected at the
 19 commission's office. The notice must also contain a date when the
 20 commission will hold a hearing to receive and hear remonstrances and
 21 other testimony from persons interested in or affected by the
 22 establishment of the district. All affected persons, including all persons
 23 or entities owning property or doing business in the district, shall be
 24 considered notified of the pendency of the hearing and of subsequent
 25 acts, hearings, adjournments, and resolutions of the commission by the
 26 notice given under this section.

27 **(d) The approval of the board under subsection (b) is final and**
 28 **conclusive.**

29 SECTION 30. IC 36-7-26-20 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 20. **(a) This subsection**
 31 **does not apply to a county described in section 1(5) of this chapter.**
 32 The determination of the commission to create a district under this
 33 chapter, after approval by the board, must be approved by ordinance of
 34 the legislative body of the city.

35 **(b) This subsection applies only to a county described in section**
 36 **1(5) of this chapter. The determination of the commission to create**
 37 **a district under this chapter, after approval by the board, must be**
 38 **approved by ordinance of the fiscal body of the county.**

39 SECTION 31. IC 36-7-26-24 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 24. (a) The commission
 41 may issue bonds, payable in whole or in part, from money distributed
 42 from the fund to the commission, to finance a local public improvement
 43 under IC 36-7-14-25.1 or may make lease rental payments for a local
 44 public improvement under IC 36-7-14-25.2 and IC 36-7-14-25.3. The
 45 term of any bonds issued under this section may not exceed ~~twenty (20)~~
 46 **twenty-five (25) years**, nor may the term of any lease agreement

1 entered into under this section exceed ~~twenty (20)~~ **twenty-five (25)**
 2 years **after the date the local public improvement is available for**
 3 **use.** The commission shall transmit to the board a transcript of the
 4 proceedings with respect to the issuance of the bonds or the execution
 5 and delivery of a lease agreement as contemplated by this section. The
 6 transcript must include a debt service or lease rental schedule setting
 7 forth all payments required in connection with the bonds or the lease
 8 rentals.

9 (b) On January 15 of each year, the commission shall remit to the
 10 treasurer of state the money disbursed from the fund that is credited to
 11 the net increment account that exceeds the amount needed to pay debt
 12 service or lease rentals and to establish and maintain a debt service
 13 reserve under this chapter in the prior year and before May 31 of that
 14 year. Amounts remitted under this subsection shall be deposited by the
 15 auditor of state as other gross retail and use taxes are deposited.

16 (c) The commission in a city described in section 1(2) of this
 17 chapter may distribute money from the fund only for the following:

- 18 (1) Road, interchange, and right-of-way improvements.
- 19 (2) Acquisition costs of a commercial retail facility and for real
 20 property acquisition costs in furtherance of the road, interchange,
 21 and right-of-way improvements.
- 22 (3) Demolition of commercial property and any related expenses
 23 incurred before or after the demolition of the commercial
 24 property.
- 25 (4) For physical improvements or alterations of property that
 26 enhance the commercial viability of the district.

27 (d) The commission in a city described in section 1(3) of this
 28 chapter may distribute money from the fund only for the following
 29 purposes:

- 30 (1) For road, interchange, and right-of-way improvements and for
 31 real property acquisition costs in furtherance of the road,
 32 interchange, and right-of-way improvements.
- 33 (2) For the demolition of commercial property and any related
 34 expenses incurred before or after the demolition of the
 35 commercial property.

36 (e) The commission in a city described in section 1(4) of this
 37 chapter may distribute money from the fund only for the following
 38 purposes:

- 39 (1) For:
 - 40 (A) the acquisition, demolition, and renovation of property;
 - 41 and
 - 42 (B) site preparation and financing;
 43 related to the development of housing in the district.
- 44 (2) For physical improvements or alterations of property that
 45 enhance the commercial viability of the district.

46 **(f) The commission in a county described in section 1(5) of this**

1 chapter may distribute money from the fund for the following
 2 district project costs associated with the development or
 3 redevelopment of the district:

4 (1) The total cost of acquisition of all land, rights-of-way, and
 5 other property to be acquired, developed, or redeveloped for
 6 the project.

7 (2) Site preparation, including utilities and infrastructure.

8 (3) Costs associated with the construction or establishment of
 9 a museum and education complex and a multisport athletic
 10 complex that are owned or leased by:

11 (A) the county described in section 1(5) of this chapter;

12 (B) the commission;

13 (C) an authority (as defined in IC 36-7-14.5-2);

14 (D) a leasing body (as defined in IC 5-1-1-1); or

15 (E) one (1) or more entities that are exempt from income
 16 taxation under Section 501(c)(3) of the Internal Revenue
 17 Code.

18 (4) Road, interchange, and right-of-way improvements.

19 (5) Public parking facilities.

20 (6) All reasonable and necessary architectural, engineering,
 21 legal, financing, accounting, advertising, bond discount, and
 22 supervisory expenses related to the acquisition and
 23 development or redevelopment of the property or the issuance
 24 of bonds.

25 (7) For any bonds issued by an entity to which money from
 26 the fund may be pledged under subsection (a), debt service,
 27 lease payments, capitalized interest, or debt service reserve
 28 for the bonds to the extent the commission determines that a
 29 reserve is reasonably required.

30 SECTION 32. IC 36-7-26-24.5 IS ADDED TO THE INDIANA
 31 CODE AS A NEW SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2010]: **Sec. 24.5. Notwithstanding section 23**
 33 **of this chapter, state gross retail and use taxes may not be**
 34 **deposited in the fund with respect to a particular district after**
 35 **December 31 of the calendar year in which the board determines**
 36 **that no obligations of the commission incurred under this chapter**
 37 **to finance a local public improvement in the district remain**
 38 **outstanding.**

39 SECTION 33. IC 36-7-26-25, AS AMENDED BY P.L.146-2008,
 40 SECTION 769, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2010]: **Sec. 25. (a) This section does not apply**
 42 **to a county described in section 1(5) of this chapter.**

43 (b) The board may not approve a resolution under section 16 of this
 44 chapter until the board has satisfied itself that the city in which the
 45 proposed district will be established has maximized the use of tax
 46 increment financing under IC 36-7-14 or IC 36-7-14.5 to finance public
 47 improvements within or serving the proposed district. The city may not

1 grant property tax abatements to the taxpayers within the proposed
 2 district or a district, except that the board may approve a resolution
 3 under section 16 of this chapter in the proposed district or a district in
 4 which real property tax abatement not to exceed three (3) years has
 5 been granted.

6 SECTION 34. IC 36-7-26-28 IS ADDED TO THE INDIANA
 7 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2010]: **Sec. 28. A county described in section**
 9 **1(5) of this chapter is unique because:**

10 **(1) it is the location of:**

11 **(A) surface coal mining operations;**

12 **(B) strip mined land currently in the process of**
 13 **reclamation; and**

14 **(C) the Blue Grass Fish and Wildlife Area;**

15 **all of which are in close proximity to Interstate Highway 164;**
 16 **and**

17 **(2) the county has been presented with an opportunity to:**

18 **(A) improve the quality of life in the county;**

19 **(B) provide educational and recreational opportunities to**
 20 **residents of the county and the state; and**

21 **(C) promote tourism in the county and the state."**

22 Renumber all SECTIONS consecutively.

(Reference is to ESB 23 as printed February 19, 2010.)

Representative Stilwell