



CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1329

Citations Affected: IC 5-1-17; IC 13-21; IC 32-21; IC 36-1, IC 36-7.

Synopsis: Local government. Reduces the membership of the board of directors of the Indiana stadium and convention building authority (board) from seven members to three members. Provides that the director of the budget agency or the director's designee serves as chair of the board. Authorizes the solid waste management district of Vanderburgh County to make grants and loans for certain purposes. Provides that with certain exceptions a governmental entity is prohibited from requiring that a Class 2 structure or a residential onsite sewage system be inspected when a property is sold or transferred. Allows a governmental entity to require certain inspections of properties located in that part of St. Joseph County containing a designated sole source aquifer only if it has been more than 15 years since: (1) the property was last sold or transferred; or (2) the Class 2 structure or system was constructed or installed. Provides, for purposes of posting a license bond, that a political subdivision may not impose any requirement for the political subdivision to be identified as an obligee on the license bond other than the requirement in statute. Provides that certain obligors may initiate a civil action against a political subdivision that does not recognize or does not allow an obligor to post a license bond that satisfies certain requirements. Provides that, if the obligor prevails in the action, the obligor shall be awarded an amount equal to: (1) 300% of the cost of obtaining the license bond; (2) compensatory damages; and (3) reasonable attorney's fees. Provides that if a contractor: (1) has posted a license bond to obtain one license from a political subdivision; and (2) is required to obtain another license from the political subdivision to perform work that the contractor intends to perform; the contractor may not be required to post a second license bond as a condition of obtaining the second license if the type of work that the first license authorizes the contractor to perform is so closely related to the type of work that the second license will authorize the contractor to perform that both types of work are typically involved in a single residential construction project. Provides that a city, town, or county that requires a building permit for the construction of a Class 2 structure may provide for the inspection to be conducted by: (1) an individual employed by the city, town, or county, or by another city, town, or county, as a building inspector; (2) a registered architect; (3) a registered professional engineer; (4) a certified building official; or (5) a licensed home inspector. **(This conference committee report adds**



provisions of the House passed version of ESB 252 concerning the Indiana stadium and convention building authority and resolves a conflict in those provisions with HEA 1026-2024.)

Effective: Upon passage; July 1, 2024.



CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1329 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 5-1-17-7, AS AMENDED BY HEA 1026-2024,
- 4 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 UPON PASSAGE]: Sec. 7. (a) The board is composed of the following
- 6 seven (7) **three (3)** members, who must be residents of Indiana:
- 7 (1) Four (4) members appointed by the governor: The president
- 8 pro tempore of the senate and the speaker of the house of
- 9 representatives may each make one (1) recommendation to the
- 10 governor concerning the appointment of a member under this
- 11 subdivision:
- 12 (2) Two (2) members appointed by the Marion County executive:
- 13 (3) One (1) member appointed by the governor, who has been
- 14 nominated by the county fiscal body of a county that is contiguous
- 15 to Marion County, determined as follows:
- 16 (A) The member nominated for the initial term shall be
- 17 nominated by the contiguous county that has the largest
- 18 population of all the contiguous counties that have adopted an
- 19 ordinance to impose a food and beverage tax under IC 6-9-35.

1 (B) The member nominated for each successive term shall be
2 nominated by the contiguous county that:

3 (i) contributed the most revenues from the tax imposed by
4 IC 6-9-35 to the capital improvement board of managers
5 created by IC 36-10-9-3 in the immediately previous
6 calendar year; and

7 (ii) has not previously made a nomination to the governor or;
8 if all the contributing counties have previously made such a
9 nomination; is the one whose then most recent nomination
10 occurred before those of all the other contributing counties.

11 (1) The director of the budget agency, or the director's
12 designee, who shall serve as chair of the board.

13 (2) One (1) member appointed by the governor.

14 (3) One (1) member appointed by the executive of a county
15 having a consolidated city.

16 (b) A member appointed under subsection (a)(2) serves a four
17 (4) year term that expires December 31, 2025, and each fourth year
18 thereafter. The member may be reappointed by the governor to
19 subsequent terms. The governor shall fill a vacancy to the
20 membership under subsection (a)(2) by appointing a new member
21 for the vacated term.

22 (c) A member appointed under subsection (a)(3) serves a four
23 (4) year term that expires December 31, 2027, and each fourth year
24 thereafter. ~~(b) A~~ The member may be reappointed to by the executive
25 of the county having a consolidated city to subsequent terms. A
26 member of the general assembly appointed to the board serves a two
27 (2) year term that expires June 30 of an odd-numbered year. A member
28 of the board who is not a member of the general assembly serves a four
29 (4) year term that expires as follows:

30 (1) If the member is appointed under subsection (a)(1); December
31 31, 2025, and each fourth year thereafter.

32 (2) If the member is appointed under subsection (a)(2) or (a)(3);
33 December 31, 2027, and each fourth year thereafter.

34 (c) If a vacancy occurs on the board; the governor shall fill the vacancy
35 by appointing a new member for the remainder of the vacated term. If
36 the vacated member was appointed under subsection (a)(2) or (a)(3);
37 the governor shall appoint a new member who has been nominated by
38 the person or body who made the nomination of the vacated member.
39 The executive of the county having a consolidated city shall fill a
40 vacancy in the membership under subsection (a)(3) by appointing
41 a new member for the remainder of the vacated term.

42 (d) A member appointed under subsection (a)(2) or (a)(3):

43 (1) continues to serve after the expiration of the appointment
44 until a successor is appointed and qualified; and

45 (2) may be removed for with or without cause by the appointing
46 authority.

47 (e) Each member appointed under subsection (a)(2) or (a)(3),
48 before entering upon the duties of office, must take and subscribe an
49 oath of office under IC 5-4-1, which shall be endorsed upon the
50 certificate of appointment and filed with the records of the board.

51 (f) The governor shall nominate an executive director for the

1 authority, subject to the veto authority of the Marion County executive.
2 SECTION 2. IC 5-1-17-8, AS ADDED BY P.L.214-2005,
3 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 8. (a) The board shall hold an ~~initial~~
5 ~~organizational meeting on or before June 30, 2005. Immediately after~~
6 ~~January 15 of each year, the board shall hold its annual organizational~~
7 ~~meeting.~~
8 (b) ~~The governor shall appoint a member of the board to serve as~~
9 ~~chair of the board.~~
10 (c) ~~(b)~~ The board shall elect one (1) of the members vice chair and
11 another secretary-treasurer to perform the duties of those offices. These
12 officers serve from the date of their election and until their successors
13 are elected and qualified. ~~The board may elect an assistant~~
14 ~~secretary-treasurer.~~
15 (d) ~~(c)~~ Special meetings may be called by the chair of the board or
16 ~~any three (3) the other two (2)~~ members of the board.
17 (e) ~~(d)~~ A majority of the ~~Three (3)~~ members ~~constitutes constitute~~
18 a quorum, and the concurrence of a majority of the members is
19 necessary to authorize any action.
20 SECTION 3. IC 5-1-17-18, AS AMENDED BY P.L.104-2022,
21 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 UPON PASSAGE]: Sec. 18. (a) Subject to subsection (h), the authority
23 may issue bonds for the purpose of obtaining money to pay the cost of:
24 (1) acquiring real or personal property, including existing capital
25 improvements;
26 (2) constructing, improving, reconstructing, or renovating one (1)
27 or more capital improvements; or
28 (3) funding or refunding bonds issued under IC 36-10-8 or
29 IC 36-10-9 or prior law.
30 (b) The bonds are payable from the lease rentals from the lease of
31 the capital improvements for which the bonds were issued, insurance
32 proceeds, and any other funds pledged or available.
33 (c) The bonds shall be authorized by a resolution of the board.
34 (d) The terms and form of the bonds shall either be set out in the
35 resolution or in a form of trust indenture approved by the resolution.
36 (e) The bonds shall mature within forty (40) years.
37 (f) The board shall sell the bonds at public or private sale upon the
38 terms determined by the board.
39 (g) All money received from any bonds issued under this chapter
40 shall be applied to the payment of the cost of the acquisition or
41 construction, or both, of capital improvements, or the cost of refunding
42 or refinancing outstanding bonds, for which the bonds are issued. The
43 cost may include:
44 (1) planning and development of the facility and all buildings,
45 facilities, structures, and improvements related to it;
46 (2) acquisition of a site and clearing and preparing the site for
47 construction;
48 (3) equipment, facilities, structures, and improvements that are
49 necessary or desirable to make the capital improvement suitable
50 for use and operations;

- 1 (4) architectural, engineering, consultant, and attorney's fees;
 2 (5) incidental expenses in connection with the issuance and sale
 3 of bonds;
 4 (6) reserves for principal and interest;
 5 (7) interest during construction;
 6 (8) financial advisory fees;
 7 (9) insurance during construction;
 8 (10) municipal bond insurance, debt service reserve insurance,
 9 letters of credit, or other credit enhancement; and
 10 (11) in the case of refunding or refinancing, payment of the
 11 principal of, redemption premiums (if any) for, and interest on,
 12 the bonds being refunded or refinanced.

13 (h) The authority may not issue bonds under this chapter unless the
 14 authority first finds that the following conditions are met:

- 15 (1) The capital improvement board and the authority have entered
 16 into a written agreement concerning the terms of the financing of
 17 the facility. This agreement must include the following
 18 provisions:

19 (A) Notwithstanding any other law, if the capital improvement
 20 board selected a construction manager and an architect for a
 21 facility before May 15, 2005, the authority will contract with
 22 that construction manager and architect and use plans as
 23 developed by that construction manager and architect. In
 24 addition, any other agreements entered into by the capital
 25 improvement board or a political subdivision served by the
 26 capital improvement board with respect to the design and
 27 construction of the facility will be reviewed by a selection
 28 committee consisting of:

- 29 (i) two (2) of the members appointed to the board of
 30 directors of the authority under section 7(a)(1) of this
 31 chapter, as designated by the governor;
 32 (ii) the two (2) members appointed to the board of directors
 33 of the authority under section 7(a)(2) of this chapter; and
 34 (iii) the executive director of the authority.

35 **formed under this section (as in effect on May 15, 2005).**
 36 The selection committee is not bound by any prior
 37 commitments of the capital improvement board or the political
 38 subdivision, other than the general project design, and will
 39 approve all contracts necessary for the design and construction
 40 of the facility.

41 (B) If before May 15, 2005, the capital improvement board
 42 acquired any land, plans, or other information necessary for
 43 the facility and the board had budgeted for these items, the
 44 capital improvement board will transfer the land, plans, or
 45 other information useful to the authority for a price not to
 46 exceed the lesser of:

- 47 (i) the actual cost to the capital improvement board; or
 48 (ii) three million five hundred thousand dollars
 49 (\$3,500,000).

50 (C) The capital improvement board agrees to take any legal

1 action that the authority considers necessary to facilitate the
 2 financing of the facility, including entering into agreements
 3 during the design and construction of the facility or a sublease
 4 of a capital improvement to any state agency that is then leased
 5 by the authority to any state agency under section 26 of this
 6 chapter.

7 (D) The capital improvement board is prohibited from taking
 8 any other action with respect to the financing of the facility
 9 without the prior approval of the authority. The authority is not
 10 bound by the terms of any agreement entered into by the
 11 capital improvement board with respect to the financing of the
 12 facility without the prior approval of the authority.

13 (E) As the project financier, the Indiana finance authority (or
 14 its successor agency) and the public finance director will be
 15 responsible for selecting all investment bankers, bond counsel,
 16 trustees, and financial advisors.

17 (F) The capital improvement board agrees to deliver to the
 18 authority the one hundred million dollars (\$100,000,000) that
 19 is owed to the capital improvement board, the consolidated
 20 city, or Marion County, pursuant to an agreement between the
 21 National Football League franchised professional football
 22 team and the capital improvement board, the consolidated city,
 23 or Marion County. This amount shall be applied to the cost of
 24 construction for the stadium part of the facility. This amount
 25 does not have to be delivered until a lease is entered into for
 26 the stadium between the authority and the capital improvement
 27 board.

28 (G) The authority agrees to consult with the staff of the capital
 29 improvement board on an as needed basis during the design
 30 and construction of the facility, and the capital improvement
 31 board agrees to make its staff available for this purpose.

32 (H) The authority, Marion County, the consolidated city, the
 33 capital improvement board and the National Football League
 34 franchised professional football team must commit to using
 35 their best efforts to assist and cooperate with one another to
 36 design and construct the facility on time and on budget.

37 (2) The capital improvement board and the National Football
 38 League franchised professional football team have entered into a
 39 lease for the stadium part of the facility that has been approved by
 40 the authority and has a term of at least thirty (30) years."

41 Page 6, after line 38, begin a new paragraph and insert:

42 "**SECTION 9. An emergency is declared for this act.**".

43 Renumber all SECTIONS consecutively.

(Reference is to EHB 1329 as reprinted March 1, 2024.)

Conference Committee Report
on
Engrossed House Bill 1329

Signed by:

Representative Pressel
Chairperson

Senator Baldwin

Representative Lindauer

Senator Messmer

House Conferees

Senate Conferees