

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1069

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AN ACT to amend the Indiana Code concerning transportation.

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

SECTION 1. IC 8-21-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) The department shall adopt rules under IC 4-22-2 to establish a program to foster airport development in Indiana with special emphasis on improvement of airports as an economic development tool. The program must include the following components:

- (1) State grants to airports from the grant fund to match federal Aviation Trust Fund grants.
- (2) State grants to airports from the grant fund for airport development projects for which federal grants are not available.
- (3) Loans to airports from the loan fund for airport development projects.

(b) The rules must establish the following for both grants and loans:

- (1) Standards of eligibility.
- (2) The maximum amount of money for which any one (1) airport or airport development project is eligible.
- (3) Application procedures.
- (4) The local matching funds that are required.

**(5) In determining the amount of the match for a state grant for which federal grants are not available as described in subsection (a)(2), the department shall:**

- (A) consider the airport classification and the type of**

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**project; and**

**(B) require matching funds of at least twenty-five percent (25%).**

~~(5)~~ **(6) Other provisions to administer the grant and loan programs.**

**SECTION 2. IC 8-21-11-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5.5. (a) The program described in section 5 of this chapter is designed to optimize the use of the grant fund. The primary goals of the allocation program are to:**

- (1) further the proper development and maintenance of a statewide system of airports;**
- (2) further economic development; and**
- (3) provide safety of aircraft operations.**

**(b) This program requires the project to do the following:**

- (1) Be for the establishment or improvement of a public use airport.**
- (2) Be included in the Indiana airports system plan, as provided in IC 8-21-1-8.**
- (3) Be located on a site approved by the department.**
- (4) Follow an airport layout plan approved by the department.**
- (5) Meet the general design criteria of the Federal Aviation Administration Advisory Circulars.**

**However, subdivisions (1) through (5) are examples and guidelines and may be waived by the department, where, in the judgment of the department, the public interest is best served by allowing less stringent criteria.**

**(c) Engineering agreements for work to be financed in part by the grant fund must be reviewed for approval by the department.**

**(d) Airport development items that are eligible for funding include the following:**

- (1) Land acquisition for development of airport facilities.**
- (2) Engineering and legal fees for airport planning and development.**
- (3) Grading, drainage, paving, and miscellaneous items necessary for the construction or reconstruction of runways, taxiways, and aprons.**
- (4) Acquisition of runway clear zones and aviation easements, or other interests in air space as may be reasonably required for safeguarding aircraft operations in the vicinity of an airport.**

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- (5) Removal of obstructions from approach areas.**
- (6) Installation or relocation of any of the following:**
  - (A) Segmented circles.**
  - (B) Runway, apron, and taxiway lights.**
  - (C) Taxiway guidance signs.**
  - (D) Obstruction lights.**
  - (E) Security flood lights.**
  - (F) Airport beacons.**
  - (G) Wind and landing direction indicators.**
  - (H) Auxiliary power units.**
  - (I) REILs (Runway End Identification Lights) and visual glideslope indicator systems.**
- (7) Grading, drainage, paving, and miscellaneous items necessary for the construction or reconstruction of airport access roads and public auto parking areas.**
- (8) Construction of airport safety facilities, security fencing, acquisition of aircraft rescue and firefighting (ARFF) vehicles, and snow removal equipment.**
- (9) Installation of instrument landing systems, approach lighting systems, and other approach aids.**
- (10) Development of master planning grants.**
- (11) Airport operational buildings. However, additional building projects will not be eligible until the eighth fiscal year after the completion of the previous building project.**
- (12) Terminal buildings, fuel farms, and hangars.**
- (13) Other items approved by the department, where, in the judgment of the department, the public interest is best served.**

**SECTION 3. [EFFECTIVE JULY 1, 2023] (a) 105 IAC 3-1-2 is void. The publisher of the Indiana Administrative Code shall remove 105 IAC 3-1-2 from the Indiana Administrative Code.**

**(b) This SECTION expires July 1, 2024.**



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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