

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE ENROLLED ACT No. 1115

AN ACT to amend the Indiana Code concerning state offices and administration.

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

SECTION 1. IC 4-21.5-2-5, AS AMENDED BY P.L.198-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. This article does not apply to the following agency actions:

- (1) The issuance of a warrant or jeopardy warrant for the collection of taxes.
- (2) A determination of probable cause or no probable cause by the civil rights commission.
- (3) A determination in a factfinding conference of the civil rights commission.
- (4) A personnel action, except review of:
 - (A) a personnel action by the state employees appeals commission under IC 4-15-2.2-42; or
 - (B) a personnel action that is not covered by IC 4-15-2.2 but may be taken only for cause.
- (5) A resolution, directive, or other action of any agency that relates solely to the internal policy, organization, or procedure of that agency or another agency and is not a licensing or enforcement action. Actions to which this exemption applies include the statutory obligations of an agency to approve or ratify an action of another agency.

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(6) An agency action related to an offender within the jurisdiction of the department of correction.

(7) A decision of the Indiana economic development corporation, the office of tourism development **(before July 1, 2020) or the Indiana destination development corporation (after June 30, 2020)**, the department of environmental management, the tourist information and grant fund review committee (before the repeal of the statute that created the tourist information and grant fund review committee), the Indiana finance authority, the corporation for innovation development, or the lieutenant governor that concerns a grant, loan, bond, tax incentive, or financial guarantee.

(8) A decision to issue or not issue a complaint, summons, or similar accusation.

(9) A decision to initiate or not initiate an inspection, investigation, or other similar inquiry that will be conducted by the agency, another agency, a political subdivision, including a prosecuting attorney, a court, or another person.

(10) A decision concerning the conduct of an inspection, investigation, or other similar inquiry by an agency.

(11) The acquisition, leasing, or disposition of property or procurement of goods or services by contract.

(12) Determinations of the department of workforce development under IC 22-4.1-4-1.5(c)(1).

(13) A decision under IC 9-30-12 of the bureau of motor vehicles to suspend or revoke a driver's license, a driver's permit, a vehicle title, or a vehicle registration of an individual who presents a dishonored check.

(14) An action of the department of financial institutions under IC 28-1-3.1 or a decision of the department of financial institutions to act under IC 28-1-3.1.

(15) A determination by the NVRA official under IC 3-7-11 concerning an alleged violation of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg) or IC 3-7.

(16) Imposition of a civil penalty under IC 4-20.5-6-8 if the rules of the Indiana department of administration provide an administrative appeals process.

(17) A determination of status as a member of or participant in an environmental performance based program developed and implemented under IC 13-27-8.

(18) An action of the bureau of motor vehicles subject to review under IC 9-33.

SECTION 2. IC 5-14-1.5-6.1, AS AMENDED BY P.L.197-2017,

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SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: 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) The purchase or lease of real property by the governing body up to the time a contract or option to purchase or lease is executed by the parties.
 - (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.

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 5-14-3-4.8, AS ADDED BY P.L.229-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4.8. (a) Records relating to negotiations between the office of tourism development **(before July 1, 2020) or the Indiana destination development corporation (after June 30, 2020)** and industrial, research, or commercial prospects are excepted from section 3 of this chapter at the discretion of the office of tourism development **(before July 1, 2020) or the Indiana destination development corporation (after June 30, 2020)** if the records are



created while negotiations are in progress.

(b) Notwithstanding subsection (a), the terms of the final offer of public financial resources communicated by the office of tourism development **(before July 1, 2020) or the Indiana destination development corporation (after June 30, 2020)** 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 subsection (b), the office of tourism development **(before July 1, 2020) or the Indiana destination development corporation (after June 30, 2020)** shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

SECTION 4. IC 5-29-4-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 8. This article expires July 1, 2020.**

SECTION 5. IC 5-33 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

ARTICLE 33. INDIANA DESTINATION DEVELOPMENT CORPORATION

Chapter 1. Applicability

Sec. 1. This article applies after June 30, 2020.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Board" refers to the board of the corporation established under IC 5-33-4.

Sec. 3. "Corporation" refers to the Indiana destination development corporation established by IC 5-33-3-1.

Sec. 4. "Director" refers to the director of the corporation appointed under IC 5-33-4-6.

Chapter 3. Indiana Destination Development Corporation

Sec. 1. The Indiana destination development corporation is established.

Sec. 2. (a) The corporation is:

- (1) a public body corporate and politic; and**
- (2) an instrumentality of the state.**

(b) The corporation is separate from the state. However, the exercise by the corporation of its powers is an essential governmental function.

Sec. 3. (a) The corporation may do the following:



- (1) Cooperate with federal, state, and local governments and agencies in the coordination of programs to promote tourism.
- (2) Receive and expend funds, grants, gifts, and contributions of money, property, labor, and other things of value from public and private sources, including grants from agencies and instrumentalities of the state and the federal government.

The corporation:

- (A) may accept federal grants for providing planning assistance, making grants, or providing other services or functions necessary to political subdivisions, planning commissions, or other public or private organizations;
- (B) shall administer these grants in accordance with the terms of the grants; and
- (C) may contract with political subdivisions, planning commissions, or other public or private organizations to carry out the purposes for which the grants were made.
- (3) Request assistance, information, and advice regarding the duties and functions of the corporation from an officer, agent, or employee of the state. The head of any other state department or agency may assign any of the department's or agency's employees to the corporation on a temporary basis, or may direct a division or agency under the department's or agency's supervision and control to make a special study or survey requested by the director.
- (4) Disseminate information concerning and advertise or contract to advertise the cultural, recreational, quality of life, and tourism advantages of Indiana.
- (5) Plan, direct, and conduct research activities.
- (6) The corporation is authorized to accept and expend such moneys as may be received from any source, including income from the corporation's operations, for effectuating its corporate purposes including, without limitation, the payment of the initial expenses of administration and operation.
- (b) The corporation shall assist in the development and promotion of Indiana's tourist resources, facilities, attractions, and activities.

Chapter 4. Indiana Destination Development Corporation Board

Sec. 1. The Indiana destination development corporation board shall govern the corporation.

Sec. 2. The board is composed of the following seven (7) members, none of whom may be members of the general assembly:

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- (1) The governor or a designee of the governor.
- (2) The president of the Indiana economic development corporation or a designee of the president who is a full-time employee of the Indiana economic development corporation.
- (3) Five (5) members of the private sector tourism industry, appointed by the governor. The governor may consider individuals with experience in any of the following areas or occupations in making appointments under this subdivision:
 - (A) Food and beverage service.
 - (B) Lodging.
 - (C) Attractions.
 - (D) Destination marketing.
 - (E) Hospitality and tourism management educator.
 - (F) Tourism industry professional.

Sec. 3. (a) A member who is an elected or appointed officer under section 2(1) or 2(2) of this chapter serves as an ex officio member of the board.

(b) All members of the board are voting members.

(c) Except as provided in subsection (d), the term of a member appointed under section 2(3) of this chapter is four (4) years.

(d) The initial terms of members appointed under section 2(3) of this chapter are as follows:

- (1) Three (3) members serve terms of four (4) years.
- (2) Two (2) members serve terms of three (3) years.

Upon expiration of a member's initial term, the governor shall appoint a member to serve a four (4) year term.

Sec. 4. The governor or the designee of the governor is the board chair.

Sec. 5. (a) A majority of the members serving on the board constitutes a quorum.

(b) The affirmative vote of a majority of the members serving on the board is required for the board to take official action.

Sec. 6. The governor shall appoint the director of the corporation.

Sec. 7. (a) The director of the corporation serves at the pleasure of the governor.

(b) The director is the executive and chief administrative officer of the corporation.

Sec. 8. (a) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and for other



expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the board who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and for other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Chapter 5. General Powers

Sec. 1. The corporation shall carry out the destination development functions of the state in conformity with the laws enacted by the general assembly.

Sec. 2. The corporation is granted all powers necessary or appropriate to carry out the corporation's public and corporate purposes under this chapter.

Sec. 3. (a) Subject to approval by the budget agency, the corporation may, without the approval of the attorney general, employ legal counsel, technical experts, and other officers, agents, and employees, permanent or temporary, the corporation considers necessary to carry out the efficient operation of the corporation.

(b) Subject to approval by the budget agency, the corporation may enter into contracts without the approval of the attorney general.

Sec. 4. (a) The corporation shall determine qualifications, duties, compensation, and terms of service for persons employed by the corporation as employees or as independent contractors.

(b) The board may adopt a resolution providing that the corporation's employees who are eligible to participate in the public employees' retirement fund under the eligibility requirements set forth in IC 5-10.2 and IC 5-10.3 shall participate in the fund.

(c) The board may adopt a resolution to allow the corporation's employees to participate in group insurance and other benefit plans, including the state employees' deferred compensation plan, that are available to state employees.

Sec. 5. The board and the employees of the corporation are:

- (1) under the jurisdiction of and rules adopted by the state ethics commission; and
- (2) subject to ethics rules and requirements that apply to the



executive branch of state government.

However, the board may adopt additional ethics rules and requirements that are more stringent than those adopted by the state ethics commission.

Sec. 6. The director may establish advisory committees to advise the board and the corporation on issues determined by the director. If the director establishes an advisory committee under this section, the advisory committee must:

- (1) have members that represent diverse geographic areas and economic sectors of Indiana; and
- (2) include members or representatives of tourism organizations.

An advisory committee member is not entitled to salary or per diem.

Sec. 7. For purposes of IC 34-13-2, IC 34-13-3, and IC 34-13-4, the board and the employees of the corporation are public employees (as defined in IC 34-6-2-38).

Sec. 8. (a) The corporation shall adopt rules under IC 4-22-2 to carry out its duties under this article. The board may also adopt emergency rules in the manner provided under IC 4-22-2-37.1 to carry out its duties under this article.

(b) An emergency rule adopted under subsection (a) expires on the expiration date stated in the rule.

(c) An emergency rule adopted under subsection (a) may be extended as provided in IC 4-22-2-37.1(g), but the extension period may not exceed the period for which the original rule was in effect.

Sec. 9. Except as specifically provided by law, the corporation and the board are subject to the following:

- (1) IC 5-14-1.5 (public meetings).
- (2) IC 5-14-3 (access to public records).

Sec. 10. The corporation is subject to compliance audits by the state board of accounts.

Sec. 11. (a) The corporation shall, promptly following the close of each fiscal year, submit an annual report of its activities for the preceding year to the budget committee and the general assembly.

(b) An annual report submitted under this section to the general assembly must be in an electronic format under IC 5-14-6. The report shall set forth a complete operating and financial statement of the corporation during such year, and a copy of such report shall be available to inspection by the public at the Indianapolis office of the corporation.

Sec. 12. An employee of the corporation is entitled to



reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the employee's duties as approved by the budget agency.

Sec. 13. The corporation may request appropriations from the general assembly to:

- (1) carry out the corporation's duties under this article; and
- (2) fund economic development and job creation programs.

Chapter 6. Tourism Information and Promotion Fund

Sec. 1. As used in this chapter, "fund" refers to the tourism information and promotion fund established by section 5 of this chapter.

Sec. 2. As used in this chapter, "heritage barn" has the meaning set forth in IC 6-1.1-12-26.2.

Sec. 3. As used in this chapter, "promotion" includes the planning and conducting of information and advertising campaigns.

Sec. 4. As used in this chapter, "tourism group" means a private nonprofit corporation established under Indiana law whose purposes include the promotion of tourist resources and facilities in Indiana.

Sec. 5. (a) The tourism information and promotion fund is established within the state treasury. The fund shall be used for the purposes of this chapter.

(b) The fund consists of appropriations from the general assembly and gifts, donations, bequests, devises, and contributions received by the corporation.

(c) The corporation shall administer the fund. The following may be paid from money in the fund:

- (1) Grants.
- (2) Expenses of administering the fund.
- (3) Nonrecurring administrative expenses incurred to carry out the purposes of this chapter.
- (4) Expenses incurred to promote heritage barns under section 11 of this chapter.

(d) The money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the state general fund.

Sec. 6. A reference in any law or other document to the tourism



information and promotion fund established by IC 4-4-3.5-2 (before its repeal by P.L.229-2005) shall be treated after June 30, 2005, as a reference to the tourism information and promotion fund established by section 5 of this chapter.

Sec. 7. The corporation may make grants from the fund to tourism groups for the promotion of tourist resources and facilities in Indiana. However, each grant must be matched by funds provided by the applicant, and the corporation may not provide more than one-half (1/2) of the funds for a project. The matching funds required from the applicant may be provided by any source except other state funds.

Sec. 8. (a) The corporation shall establish guidelines for the application and approval of grants.

(b) The corporation may seek the recommendations from the board when making a determination to approve or reject a grant application.

Sec. 9. Promotional materials produced with the assistance of funds provided under this chapter must include the following statement: "Produced in cooperation with the Indiana Destination Development Corporation." Promotional materials must also include a statement provided by the corporation.

Sec. 10. The corporation may adopt rules under IC 4-22-2 to carry out this chapter.

Sec. 11. The corporation shall develop under this chapter print and electronic media promoting tourism, visitation, and other hospitality opportunities that feature heritage barns located in Indiana. The department of agriculture and the office of community and rural affairs shall provide the corporation assistance in developing a heritage barn tourism program in Indiana.

SECTION 6. IC 6-1.1-43-1, AS AMENDED BY P.L.288-2013, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. This chapter applies to the following economic development incentive programs:

- (1) Grants and loans provided by the Indiana economic development corporation under IC 5-28, ~~or~~ the office of tourism development under IC 5-29 **(before July 1, 2020), or the Indiana destination development corporation under IC 5-33 (after June 30, 2020).**
- (2) Incentives provided in an economic revitalization area under IC 6-1.1-12.1.
- (3) Incentives provided under IC 6-3.1-13.



SECTION 7. IC 8-3-1-21.1, AS AMENDED BY P.L.3-2008, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 21.1. (a) Upon receiving notice of intent to abandon railroad rights-of-way from any railroad company, the department shall, upon receipt, notify:

- (1) the county executives, county surveyors, and cities and towns of the counties affected;
- (2) the Indiana economic development corporation;
- (3) the office of tourism development **(before July 1, 2020) or the Indiana destination development corporation (after June 30, 2020);** and
- (4) the department of natural resources;

of the notice.

(b) Within one (1) year of a final decision of the Interstate Commerce Commission permitting an abandonment of a railroad right-of-way, the railroad shall remove any crossing control device, railroad insignia, and rails on that part of the right-of-way that serves as a public highway and reconstruct that part of the highway so that it conforms to the standards of the contiguous roadway. The Indiana department of transportation or the county, city, or town department of highways having jurisdiction over the highway may restore the crossing if the unit:

- (1) adopts construction specifications for the project; and
- (2) enters into an agreement with the railroad concerning the project.

The cost of removing any crossing control device, railroad insignia, rails, or ties under this subsection must be paid by the railroad. The cost of reconstructing the highway surface on the right-of-way must be paid by the Indiana department of transportation or the county, city, or town department of highways having jurisdiction over the crossing.

(c) If a railroad fails to comply with subsection (b), the Indiana department of transportation or the county, city, or town department of highways having jurisdiction over the crossing may proceed with the removal and reconstruction work. The cost of the removal and reconstruction shall be documented by the agency performing the work and charged to the railroad. Work by the agency may not proceed until at least sixty (60) days after the railroad is notified in writing of the agency's intention to undertake the work.

(d) This section does not apply to an abandoned railroad right-of-way on which service is to be reinstated or continued.

(e) As used in this section, "crossing control device" means any traffic control device installed by the railroad and described in the



National Railroad Association's manual, Train Operations, Control and Signals Committee, Railroad-Highway Grade-Crossing Protection, Bulletin No. 7, as an appropriate traffic control device.

(f) Costs not paid by a railroad under subsection (b) may be added to the railroad's property tax statement of current and delinquent taxes and special assessments under IC 6-1.1-22-8.1.

(g) Whenever the Indiana department of transportation notifies the department of natural resources that a railroad intends to abandon a railroad right-of-way under this section, the department of natural resources shall make a study of the feasibility of converting the right-of-way for recreational purposes. The study must be completed within ninety (90) days after receiving the notice from the Indiana department of transportation. If the department of natural resources finds that recreational use is feasible, the department of natural resources shall urge the appropriate state and local authorities to acquire the right-of-way for recreational purposes.

SECTION 8. IC 8-4.5-7-3, AS ADDED BY P.L.83-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) The Indiana bicycle trails task force is established.

(b) The governor shall appoint members to serve on the task force.

(c) A member appointed under subsection (b) serves at the pleasure of the governor.

(d) Voting members of the task force consist of the following:

(1) Members appointed under subsection (b).

(2) The director of the office of tourism development or the director's designee (**before its expiration**).

(3) The director of the department of natural resources or the director's designee.

SECTION 9. IC 8-4.5-7-4, AS ADDED BY P.L.83-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) Before August 15, 2017, the director of the office of tourism development (**before its expiration**) shall call the first meeting of the task force for the purpose of electing a chairperson and vice chairperson of the task force. The members shall elect a chairperson and vice chairperson from among the task force's members.

(b) The task force shall meet at least one (1) time quarterly.

(c) The task force shall meet at the call of the chairperson.

SECTION 10. IC 8-4.5-7-6, AS ADDED BY P.L.83-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. The department of natural resources and the office of tourism development (**before its expiration**) shall jointly provide administrative resources and staff support for the task force.

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SECTION 11. IC 8-21-9-12, AS AMENDED BY P.L.229-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) The department has jurisdiction only over two (2) major new continental or intercontinental airport facilities designed and constructed to serve a part of Indiana or adjacent states.

(b) The department may designate the location and character of all airport facilities which the department may hold, own, or over which it is authorized to act and to regulate all matters related to the location and character of the airport facilities.

(c) The department may designate the location and establish, limit, and control points of ingress to and egress from any airport property.

(d) The department may lease to others for development or operation the parts of any airport or airport facility on terms and conditions as the department considers necessary.

(e) The department may make directly, or through hiring of expert consultants, investigations, and surveys of whatever nature, including, but not limited to, studies of business conditions, freight rates, airport services, physical surveys of the conditions of structures, and the necessity for additional airports or for additional airport facilities for the development and improvement of commerce and for the more expeditious handling of commerce, and to make studies, surveys, and estimates as are necessary for the execution of its powers under this chapter.

(f) The department may make and enter into all contracts, undertakings, and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter. When the cost of any such contract for construction, or for the purchase of equipment, materials or supplies, involves an expenditure of more than five thousand dollars (\$5,000), the department shall make a written contract with the lowest and best bidder after advertisement for not less than two (2) consecutive weeks in a newspaper of general circulation in Marion County, Indiana, and in such other publications as the department shall determine. Such notice shall state the general character of the materials to be furnished, the place where plans and specifications therefor may be examined, and the time and place of receiving bids. Each bid shall contain the full name of every person or company interested in it and shall be accompanied by a sufficient bond or certified check on a solvent bank that if the bid is accepted a contract will be entered into and the performance of its proposal secured. The department may reject any and all bids. A bond with good and sufficient surety, as shall be approved by the department, shall be required of all contractors in an amount equal to at least fifty percent

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(50%) of the contract price conditioned upon the faithful performance of the contract.

(g) The department may fix and revise periodically and charge and collect equitable rates, fees, rentals, or other charges for the use of any airport facility or airport facilities under its control, which rates, fees, rentals, or other charges shall be in amounts reasonably related to the cost of providing and maintaining the particular airport facility or airport facilities for which these rates, fees, rentals, and other charges are established.

(h) The department may make application for, receive, and accept from any federal agency, grants for or in aid of the planning, construction, operating, or financing of any airport facility, and to receive and accept contributions from any source of either money, property, labor, or other things of value, to be held, used and applied for the purposes for which made, in each case on such terms and conditions as the department considers necessary or desirable. The department may enter into and carry out contracts and agreements in connection with this subsection.

(i) The department may appear in its own behalf before boards, commissions, departments, or other agencies of the federal government or of any state or international conference and before committees of the Congress of the United States and the general assembly of Indiana in all matters relating to the designs, establishment, construction, extension, operations, improvements, repair, or maintenance of any airport or airport facility operated and maintained by the department under this chapter, and to appear before any federal or state agencies in matters relating to air rates, airport services and charges, differentials, discriminations, labor relations, trade practices, and all other matters affecting the physical development of and the business interest of the department and those it serves.

(j) The department may contract for the services of consulting engineers, architects, attorneys, accountants, construction and financial experts, and such other individuals as are necessary in its judgment. However, the employment of an attorney shall be subject to such approval of the attorney general as may be required by law.

(k) The department may do all things necessary and proper to promote and increase commerce within its territorial jurisdiction, including cooperation with civic, technical, professional, and business organizations and associations, the office of tourism development **(before July 1, 2020), the Indiana destination development corporation (after June 30, 2020)**, and the Indiana economic development corporation.

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(l) The department may establish and maintain a traffic bureau for the purpose of advising the department as to the airport's competitive economic position with other airports.

(m) The department may contract for the use of any license, process, or device, whether patented or not, which the department finds is necessary for the operation of any airport facility, and may permit the use thereof by any lessee on such terms and conditions as the department may determine. The cost of such license, process, or device may be included as part of the cost of the airport facility.

(n) The department may issue airport revenue bonds and airport revenue funding bonds.

(o) The department may do all acts and things necessary or proper to carry out the powers expressly granted in this chapter.

SECTION 12. IC 9-21-4-5, AS AMENDED BY P.L.79-2015, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Except as provided in subsection (b), a person may not place or maintain upon a highway a traffic sign or signal bearing commercial advertising. A public authority may not permit the placement of a traffic sign or signal that bears a commercial message.

(b) Under criteria to be jointly established by the Indiana department of transportation and the office of tourism development **(before July 1, 2020) or the Indiana destination development corporation (after June 30, 2020)**, the Indiana department of transportation may authorize the posting of any of the following:

(1) Limited tourist attraction signage.

(2) Business signs on specific information panels on the interstate system of highways and other freeways.

All costs of manufacturing, installation, and maintenance to the Indiana department of transportation for a business sign posted under this subsection shall be paid by the business.

(c) Criteria established under subsection (b) for tourist attraction signage must include a category for a tourist attraction that:

(1) is a trademarked destination brand; and

(2) encompasses buildings, structures, sites, or other facilities that are:

(A) listed on the National Register of Historic Places established under 16 U.S.C. 470 et seq.; or

(B) listed on the register of Indiana historic sites and historic structures established under IC 14-21-1;

regardless of the distance of the tourist attraction from the highway on which the tourist attraction signage is placed.

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(d) Criteria established under subsection (b) for tourist attraction signage must include a category for a tourist attraction that is an establishment issued a brewer's permit under IC 7.1-3-2-2(b).

(e) A person may not place, maintain, or display a flashing, a rotating, or an alternating light, beacon, or other lighted device that:

- (1) is visible from a highway; and
- (2) may be mistaken for or confused with a traffic control device or for an authorized warning device on an emergency vehicle.

(f) This section does not prohibit the erection, upon private property adjacent to highways, of signs giving useful directional information and of a type that cannot be mistaken for official signs.

SECTION 13. IC 14-10-1-1, AS AMENDED BY P.L.95-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. The natural resources commission is established. The commission consists of twelve (12) members as follows:

- (1) The commissioner of the Indiana department of transportation or the commissioner's designee.
- (2) The commissioner of the department of environmental management or the commissioner's designated deputy.
- (3) The director of the office of tourism development or the director's designee **(before July 1, 2020) or the director of the Indiana destination development corporation or the director's designee (after June 30, 2020).**
- (4) The director of the department.
- (5) The chairperson of the advisory council established by IC 14-9-6-1.
- (6) The president of the Indiana academy of science or the president's designee.
- (7) Six (6) citizen members appointed by the governor, at least two (2) of whom must have knowledge, experience, or education in the environment or in natural resource conservation. Not more than three (3) citizen members may be of the same political party.

SECTION 14. IC 14-13-4-4, AS AMENDED BY P.L.229-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. The commission consists of the following members:

- (1) One (1) resident of Vincennes appointed by the executive of Vincennes.
- (2) One (1) resident of Mount Vernon appointed by the executive of Mount Vernon.
- (3) One (1) resident of Tell City appointed by the executive of

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Tell City.

(4) One (1) resident of Clarksville appointed by the legislative body of Clarksville.

(5) One (1) resident of Lawrenceburg appointed by the executive of Lawrenceburg.

(6) One (1) resident of Aurora appointed by the executive of Aurora.

(7) One (1) resident of Rising Sun appointed by the executive of Rising Sun.

(8) One (1) resident of Jeffersonville appointed by the executive of Jeffersonville.

(9) One (1) resident of New Albany appointed by the executive of New Albany.

(10) One (1) resident of Evansville appointed by the executive of Evansville.

(11) One (1) resident of Madison appointed by the executive of Madison.

(12) One (1) resident of Terre Haute appointed by the executive of Terre Haute.

(13) One (1) resident of Vevay appointed by the legislative body of Vevay.

(14) The president of the Indiana economic development corporation or the president's designee, who is a nonvoting member.

(15) The director of the department or the director's designee, who is a nonvoting member.

(16) The director of the office of tourism development or the director's designee **(before July 1, 2020) or the director of the Indiana destination development corporation or the director's designee (after June 30, 2020)**, who is a nonvoting member.

SECTION 15. IC 14-13-5-4, AS AMENDED BY P.L.229-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. The commission consists of the following fifteen (15) members:

(1) Eight (8) members who serve four (4) year terms as follows:

(A) Two (2) residents of Jeffersonville appointed by the executive of Jeffersonville.

(B) Two (2) residents of Clarksville appointed by the executive of Clarksville.

(C) Two (2) residents of New Albany appointed by the executive of New Albany.

(D) One (1) resident of Clark County appointed by the



governor.

(E) One (1) resident of Floyd County appointed by the governor.

(2) The executive of Jeffersonville.

(3) The executive of New Albany.

(4) The president of the legislative body of Clarksville.

(5) The director of the office of tourism development or the director's designee **(before July 1, 2020) or the director of the Indiana destination development corporation or the director's designee (after June 30, 2020)**, who serves as a nonvoting member.

(6) The director of the department or the director's designee, who serves as a nonvoting member.

(7) The commissioner of the Indiana department of transportation or the commissioner's designee, who serves as a nonvoting member.

(8) The president of the Indiana economic development corporation or the president's designee, who serves as a nonvoting member.

SECTION 16. IC 14-13-6-7, AS AMENDED BY P.L.229-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. The members of the commission are the following:

(1) The director or the director's designee.

(2) One (1) individual appointed by the county executive of each county that:

(A) contains a part of the corridor; and

(B) chooses to support the activities of the commission by resolution adopted by the county executive.

(3) The director of the Indiana department of transportation, or the director's designee, who shall serve as a nonvoting member.

(4) The director of the division of historic preservation and archaeology of the department of natural resources, or the director's designee, who shall serve as a nonvoting member.

(5) The director of the department of environmental management, or the director's designee, who shall serve as a nonvoting member.

(6) The director of the office of tourism development or the director's designee **(before July 1, 2020) or the director of the Indiana destination development corporation or the director's designee (after June 30, 2020)**, who shall serve as a nonvoting member.

(7) The president of the Indiana economic development



corporation or the president's designee, who shall serve as a nonvoting member.

SECTION 17. IC 14-18-3-4, AS AMENDED BY P.L.229-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The department shall do the following:

(1) Draft and distribute copies of the following to the hotel and motel industry:

(A) A proposed lease and contract.

(B) A notice of the time and place that the department will hold a public hearing to consider the terms and conditions of the proposed lease and contract.

(2) Submit a copy of the proposed lease to the office of tourism development **(before July 1, 2020) or the Indiana destination development corporation (after June 30, 2020).**

(b) The office of tourism development **(before July 1, 2020) or the Indiana destination development corporation (after June 30, 2020)** shall submit an evaluation and recommendations for amendments for consideration before the public hearing.

SECTION 18. IC 14-18-4-3, AS AMENDED BY P.L.229-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) The department shall do the following:

(1) Draft and distribute copies of the following to the hotel and motel industry:

(A) A proposed lease and contract.

(B) A notice of the time and place that the department will hold a public hearing to consider the terms and conditions of the proposed lease and contract.

(2) Submit a copy of the proposed lease to the office of tourism development **(before July 1, 2020) or the Indiana destination development corporation (after June 30, 2020).**

(b) The office of tourism development **(before July 1, 2020) or the Indiana destination development corporation (after June 30, 2020)** shall submit an evaluation and recommendations for amendments for consideration before the public hearing.

SECTION 19. IC 14-20-12-3, AS AMENDED BY P.L.167-2011, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. Thousands of Hoosiers all over the nation have contributed toward the moving and restoration of this historic house and because the house has already proven to be an outstanding tourist attraction and in keeping with our great American heritage, it is the intent of this chapter that the office of tourism development **(before July 1, 2020) or the Indiana destination development corporation**



(after June 30, 2020), the Indiana state museum and historic sites corporation (IC 4-37-2-1), and other appropriate state boards and agencies give widespread publicity to this memorial by brochure, pamphlet, or other means.

SECTION 20. IC 14-20-15-4, AS AMENDED BY P.L.203-2014, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. The commission consists of the following members:

- (1) Two (2) members of the house of representatives, to be appointed by the speaker of the house of representatives. The members appointed under this subdivision may not be members of the same political party.
- (2) Two (2) members of the senate, to be appointed by the president pro tempore of the senate. The members appointed under this subdivision may not be members of the same political party.
- (3) The governor or the governor's designee.
- (4) The director of the department of natural resources or the director's designee.
- (5) One (1) employee of the office of tourism development with expertise in the tourism or film industry, to be designated by the director of the office of tourism development **(before July 1, 2020). After June 30, 2020, one (1) employee of the Indiana destination development corporation with expertise in the tourism or film industry, to be designated by the director of the corporation.**
- (6) One (1) member of the Indiana historical society, to be appointed by the governor.
- (7) Three (3) Indiana citizens, to be appointed by the governor. Not more than two (2) members appointed under this subdivision may be members of the same political party.

SECTION 21. [EFFECTIVE JULY 1, 2019] (a) **As used in this SECTION, "corporation" means the Indiana destination development corporation established under IC 5-33, as added by this act.**

(b) **As used in this SECTION, "office" means the office of tourism development established by IC 5-29-2-1.**

(c) **On July 1, 2020, all powers, duties, agreements, and liabilities of the office are transferred to the corporation.**

(d) **On July 1, 2020, all records and property, including appropriations and other funds, under the control of the office are transferred to the corporation.**

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(e) Employees of the office on June 30, 2020, become employees of the corporation on July 1, 2020, without change in compensation, seniority, or benefits and are entitled to have their service under the office included for purposes of computing any applicable employment and retirement benefits.

(f) After June 30, 2020, a reference to the office in any statute, rule, or other document is considered a reference to the corporation.

(g) The terms of any board members appointed under IC 5-29-4 expire on July 1, 2020.

(h) This SECTION expires July 1, 2021.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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