

# HOUSE BILL No. 1348

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-3-19; IC 7.1-2-3-9.1; IC 7.1-3-19-4; IC 8-3; IC 8-10-9-3; IC 8-23-25; IC 14-22; IC 33-37-3-2.5; IC 36-1-12-3; IC 36-7; IC 36-7.5.

**Synopsis:** State and local administration. Repeals the following boards and commissions: (1) Public highway private enterprise review board. (2) Lake Michigan marina and shoreline development commission. Repeals the following advisory councils and advisory boards: (1) Interstate rail passenger advisory council. (2) Orange County development advisory board. Repeals the high speed rail development fund (fund) and requires the budget agency to transfer any unencumbered money in the fund to the state general fund. Repeals language concerning responsibilities of the circuit court clerk (clerk) with respect to: (1) the clerk's receipt of the registry of certain alcohol permits; (2) notification to the clerk of a hearing regarding the fitness of an applicant seeking certain alcohol permits; and (3) the clerk's issuance of hunting, trapping, and fishing licenses. Provides that a newspaper may not charge an indigent person a fee for publishing a legal notice that is greater than the governmental rate. Makes conforming changes.

**Effective:** July 1, 2020.

---

---

## Gutwein

---

---

January 14, 2020, read first time and referred to Select Committee on Government Reduction.

---

---



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

# HOUSE BILL No. 1348

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:*

- 1 SECTION 1. IC 4-3-19 IS REPEALED [EFFECTIVE JULY 1,
- 2 2020]. (Public Highway Private Enterprise Review Board).
- 3 SECTION 2. IC 7.1-2-3-9.1 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9.1. (a) The
- 5 commission shall prepare and maintain, available for public inspection,
- 6 a registry of all retailer and dealer permits (including supplemental
- 7 permits) issued by it, categorized by type of permit and by the type of
- 8 establishment to which it is issued. The registry of permits shall:
- 9 (1) be subdivided on a county by county basis, and further
- 10 subdivided by city, town, and unincorporated area;
- 11 (2) contain the number of permits authorized by the quota, and the
- 12 number of permits currently issued;
- 13 (3) contain the name of the owner of the permit, the address of the
- 14 licensed premises, the assumed business name under which the
- 15 business is conducted, and, if a corporation, the names of the
- 16 president and secretary; and
- 17 (4) be made current annually, to indicate by specific notation any



1 new permits that were issued or any existing permits that were  
2 transferred in any manner within the prior year.

3 (b) The commission shall distribute one (1) complete copy of the  
4 registry of permits for that particular county to each county clerk, at no  
5 cost to the county clerk, each time the registry is made current. The  
6 county clerk shall immediately notify the county treasurer that the  
7 registry has been received and make the registry available for copying  
8 by the county treasurer. Each county clerk shall maintain a copy of the  
9 registry of permits available for public inspection in the county clerk's  
10 office during normal business hours.

11 (c) (b) The commission shall provide for the sale of the registry of  
12 permits to the public on a cost basis, both as a complete statewide  
13 registry and as a countywide registry.

14 SECTION 3. IC 7.1-3-19-4 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. Time and Place for  
16 Investigation. The commission shall fix the time and place for  
17 investigating, before the appropriate local board, the fitness of the  
18 applicant, and the propriety of granting his the applicant's application  
19 for the particular retailer's or dealer's permit involved. The  
20 investigation shall be held within the county in which the premises,  
21 described in the application, are situated and it shall be open to the  
22 public. The commission also shall notify the clerk of the circuit court  
23 of the appropriate county, from whom the applicant, and all others who  
24 inquire, shall be entitled to ascertain the time and place of the  
25 investigation before the local board. The clerk of the circuit court shall  
26 provide immediately to the county treasurer a copy of the time and  
27 place of investigations before the local board.

28 SECTION 4. IC 8-3-1.7-1 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. Except as provided  
30 in section ~~2(a)(6)~~ 2(a)(5) of this chapter, for purposes of this chapter,  
31 the term "railroad" does not include a Class I or a Class II railroad as  
32 established by the Interstate Commerce Commission, or wholly owned  
33 subsidiaries of those railroads. A railroad or railroad company includes  
34 a port authority that exercises its right to operate as a railroad under  
35 IC 8-10-5-8.1.

36 SECTION 5. IC 8-3-1.7-2 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) There is created  
38 a fund known as the industrial rail service fund. The fund shall consist  
39 of money distributed to the fund by IC 6-2.5-10-1 and IC 8-3-1.5-20.  
40 Amounts held in the fund may only be used to do the following:

41 (1) Provide loans to railroads that will be used to purchase or  
42 rehabilitate real or personal property that will be used by the



- 1 railroad in providing railroad transportation services.
- 2 (2) Pay operating expenses of the Indiana department of
- 3 transportation, subject to appropriation by the general assembly.
- 4 (3) Provide fifty thousand dollars (\$50,000) annually to the
- 5 Indiana department of transportation for rail planning activities.
- 6 Money distributed under this subdivision does not revert back to
- 7 the state general fund at the end of a state fiscal year.
- 8 ~~(4) Provide money for the high speed rail development fund under~~
- 9 ~~IC 8-23-25.~~
- 10 ~~(5) (4)~~ Provide grants to a railroad owned or operated by a port
- 11 authority established under IC 8-10-5.
- 12 ~~(6) (5)~~ Make grants to a Class II or a Class III railroad for the
- 13 rehabilitation of railroad infrastructure or railroad construction.
- 14 (b) A grant made under subsection ~~(a)(5)~~ **(a)(4)** may not exceed
- 15 twenty percent (20%) of the gross sales and use tax receipts deposited
- 16 in the fund under IC 6-2.5-10-1 during the fiscal year preceding the
- 17 fiscal year in which the grant is made.
- 18 (c) A grant program under subsection ~~(a)(6)~~ **(a)(5)** must:
- 19 (1) provide a grant to a recipient of not more than seventy-five
- 20 percent (75%) of the cost of the project; and
- 21 (2) require a grant recipient to pay for not more than twenty-five
- 22 percent (25%) of the cost of a project.

23 SECTION 6. IC 8-3-19-1 IS AMENDED TO READ AS FOLLOWS  
 24 [EFFECTIVE JULY 1, 2020]: Sec. 1. The "Interstate High Speed  
 25 Intercity Rail Passenger Network Compact" is hereby ratified, enacted  
 26 into law and entered into by the state of Indiana with all other states  
 27 legally joining therein in the form substantially as follows:

28 INTERSTATE HIGH SPEED INTERCITY  
 29 RAIL PASSENGER NETWORK COMPACT  
 30 ARTICLE I POLICY AND PURPOSE

31 Because the beneficial service of and profitability of a high speed  
 32 intercity rail passenger system would be enhanced by establishing such  
 33 a system which would operate across state lines, it is the policy of the  
 34 states party to this compact to cooperate and share jointly the  
 35 administrative and financial responsibilities of preparing a feasibility  
 36 study concerning the operation of such a system connecting major  
 37 cities in Ohio, Indiana, Michigan, Pennsylvania, Illinois, West Virginia,  
 38 and Kentucky.

39 ARTICLE II COOPERATION

40 The states of Ohio, Indiana, Michigan, Pennsylvania, Illinois, West  
 41 Virginia, and Kentucky, hereinafter referred to as participating states,  
 42 agree to, upon adoption of this compact by the respective states, jointly



1 conduct and participate in a high speed intercity rail passenger  
 2 feasibility study by providing such information and data as is available  
 3 and may be requested by a participating state or any consulting firms  
 4 representing a participating state or the compact. It is mutually  
 5 understood by the participating states that such information shall not  
 6 include matters not of public record or of a nature considered to be  
 7 privileged and confidential unless the state providing such information  
 8 agrees to waive the confidentiality.

9 The participating states further agree to:

10 (a) Make available to each other and to any consulting firm  
 11 representing the member states or the compact such assistance as may  
 12 be legal, proper and available, including but not limited to personnel,  
 13 equipment, office space, machinery, computers, engineering and  
 14 technical advice and services; and

15 (b) Provide such financial assistance for the implementation of the  
 16 feasibility study as may be legal, proper and available.

17 **ARTICLE III INTERSTATE RAIL PASSENGER**  
 18 **ADVISORY COUNCIL**

19 There is hereby created an interstate rail passenger advisory council;  
 20 the membership of which shall consist of two (2) representatives from  
 21 each participating state; one (1) representative from each state shall  
 22 hold a bachelor of science degree in either engineering or  
 23 transportation science, and shall be appointed by the governor of the  
 24 participating state and the other shall be the chairman of the state's  
 25 railroad authority; but in the event said state does not have a railroad  
 26 authority, the second member shall be the director of the participating  
 27 state's transportation agency. The members shall select designees who  
 28 shall serve in the absence of the members. The advisory council shall  
 29 meet within thirty (30) days after ratification of this agreement by at  
 30 least two (2) participating states and establish rules for the conduct of  
 31 the advisory council's business.

32 The advisory council shall coordinate all aspects of the high speed  
 33 intercity rail passenger feasibility study relative to interstate  
 34 connections and shall do all other things necessary and proper for the  
 35 completion of the feasibility study.

36 **ARTICLE IV III EFFECTIVE DATE**

37 This compact shall become effective upon the adoption of the  
 38 compact into law by two (2) or more of the participating states.  
 39 Thereafter, it shall enter into force and effect as to any other  
 40 participating state upon the enactment thereof by such state.

41 This compact shall continue in force with respect to a participating  
 42 state and remain binding upon such state until six (6) months after such



1 state has given notice to each other participating state of the repeal  
 2 thereof. Such withdrawal shall not be construed to relieve any  
 3 participating state from any obligation incurred prior to the end of the  
 4 state's participation in the compact as provided herein.

5 ~~ARTICLE IV~~ CONSTRUCTION AND SEVERABILITY

6 This compact shall be liberally construed so as to effectuate the  
 7 purposes thereof. The provisions of this compact shall be severable and  
 8 if any phrase, clause, sentence, or provision of this compact is declared  
 9 to be contrary to the constitution of any participating state or of the  
 10 United States, or the applicability thereof to any government, agency,  
 11 person, or circumstance is held invalid, the validity of the remainder of  
 12 this compact and the applicability thereof to any government, agency,  
 13 person, or circumstance shall not be affected thereby. If this compact  
 14 shall be held contrary to the constitution of any participating state, the  
 15 compact shall remain in full force and effect as to the remaining states  
 16 and in full force and effect as to the state affected as to all severable  
 17 matters.

18 SECTION 7. IC 8-3-19-2 IS REPEALED [EFFECTIVE JULY 1,  
 19 2020]. Sec. 2: (a) Should the disbursement of any funds be necessary  
 20 to enable the Interstate Rail Passenger Advisory Council to perform its  
 21 designated functions as described in section † of this chapter, said  
 22 funds shall be appropriated from the high speed rail development fund.

23 (b) Each member of the Interstate Rail Passenger Advisory Council  
 24 who is a representative from Indiana is entitled to the minimum salary  
 25 per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled  
 26 to reimbursement for traveling expenses and other expenses actually  
 27 incurred in connection with the member's duties, as provided in the  
 28 state travel policies and procedures established by the department of  
 29 administration and approved by the budget agency.

30 SECTION 8. IC 8-3-21-3 IS AMENDED TO READ AS FOLLOWS  
 31 [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The states of Illinois, Indiana,  
 32 Kentucky, Tennessee, Georgia, and Florida (referred to in this chapter  
 33 as "participating states") agree, upon adoption of this compact by the  
 34 respective states, to jointly conduct and participate in a rail passenger  
 35 network financial and economic impact study. The study must do the  
 36 following:

- 37 (1) Carry forward research previously performed by the national  
 38 railroad passenger corporation (Amtrak) (report issued December  
 39 1990) and the Evansville Amtrak task force (report issued  
 40 November 1990) that evaluated the "western route"  
 41 (Chicago-Evansville-Nashville-Chattanooga-Macon-Waycross-  
 42 Jacksonville) for purposes of evaluating a representative service



1 schedule, train running times, and associated costs.

2 (2) Include consideration of the following:

3 (A) The purchase of railroad equipment by a participating state  
4 and the lease of the railroad equipment to Amtrak.

5 ~~(B) The recommendation that a member of the council serve  
6 on the Amtrak board of directors.~~

7 ~~(C)~~ (B) The periodic review of projected passenger traffic  
8 estimates on the western route.

9 ~~(D)~~ (C) Any other matter related to the financial and economic  
10 impact of a rail passenger network along the western route.

11 (b) Information and data collected during the study under subsection  
12 (a) that is requested by a participating state or a consulting firm  
13 representing a participating state or the compact may be made available  
14 to the state or firm. However, the information may not include matters  
15 not of public record or of a nature considered to be privileged and  
16 confidential unless the state providing the information agrees to waive  
17 the confidentiality.

18 SECTION 9. IC 8-3-21-5 IS REPEALED [EFFECTIVE JULY 1,  
19 2020]. Sec. 5: The interstate rail passenger advisory council (referred  
20 to in this compact as the "council") is created. The membership of the  
21 council consists of three (3) individuals from each participating state.  
22 The governor, president pro tempore of the senate, and speaker of the  
23 house of representatives shall each appoint one (1) member of the  
24 council.

25 SECTION 10. IC 8-3-21-6 IS REPEALED [EFFECTIVE JULY 1,  
26 2020]. Sec. 6: The council shall do the following:

27 (1) Meet within thirty (30) days after ratification of this agreement  
28 by at least two (2) participating states.

29 (2) Establish rules for the conduct of the council's business;  
30 including the payment of the reasonable and necessary travel  
31 expenses of council members.

32 (3) Coordinate all aspects of the rail passenger financial and  
33 economic impact study under section 3 of this chapter.

34 (4) Contract with persons, including postsecondary educational  
35 institutions, for performance of any part of the study under section  
36 3 of this chapter.

37 (5) Upon approval of the study, determine the proportionate share  
38 that each state will contribute toward the implementation and  
39 management of the proposed restoration of the interstate rail  
40 passenger system along the western route.

41 (6) Make recommendations to each participating state legislature  
42 concerning the results of the study required by this chapter.



1 SECTION 11. IC 8-10-9-3, AS AMENDED BY P.L.197-2011,  
 2 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2020]: Sec. 3. (a) There is established in each city to which  
 4 this chapter applies a waterway management district.

5 (b) The district includes all territory, including both dry land and  
 6 water, within a distance of one-half (1/2) mile on either side of the  
 7 center line of any waterway within the city in which the district is  
 8 established. ~~excluding the land and water occupied by any marina~~  
 9 ~~owned by a unit of government located in the corridor (as defined in~~  
 10 ~~IC 36-7-13.5-1).~~

11 (c) The district boundary is formed by an imaginary line one-half  
 12 (1/2) mile distant from the center line of a waterway in all directions.  
 13 However, the boundary of the district does not extend beyond the  
 14 boundaries of the city in which the district is located in those areas  
 15 where the city boundary is located less than one-half (1/2) mile from  
 16 the center line of a waterway.

17 SECTION 12. IC 8-23-25 IS REPEALED [EFFECTIVE JULY 1,  
 18 2020]. (High Speed Rail Development Fund).

19 SECTION 13. IC 14-22-11-3, AS AMENDED BY P.L.195-2017,  
 20 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2020]: Sec. 3. (a) An applicant for a hunting, trapping, or  
 22 fishing license must provide the applicant's Social Security number in  
 23 order to obtain the license. Social Security numbers acquired under this  
 24 subsection shall be kept confidential and used only to carry out the  
 25 purposes of the Title IV-D program.

26 (b) The director and agents appointed by the director as authorized  
 27 representatives of the department shall issue hunting, trapping, and  
 28 fishing licenses.

29 ~~(c) The clerk of the circuit court in each county may issue hunting,~~  
 30 ~~trapping, and fishing licenses.~~

31 ~~(d)~~ (c) Each hunting, trapping, or fishing license must be in a form  
 32 prescribed by the director.

33 ~~(e)~~ (d) All licenses, stamps, or permits purchased electronically are  
 34 valid only with the original signature or electronic affirmation of the  
 35 licensee on the form or device prescribed by the director. The licensee's  
 36 signature or electronic affirmation serves as an affidavit that the  
 37 license, stamp, or permit information is true and accurate.

38 ~~(f)~~ (e) A person who violates the confidentiality requirement of  
 39 subsection (a) commits a Class A infraction.

40 SECTION 14. IC 14-22-12-1.5, AS AMENDED BY P.L.151-2012,  
 41 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2020]: Sec. 1.5. (a) As used in this section, "qualified





- 1 individual" means an individual who:
- 2 (1) is a resident of Indiana;
- 3 (2) has served in the armed forces of the United States; and
- 4 (3) has a service connected disability, as evidenced by:
- 5 (A) records of the United States Department of Veterans
- 6 Affairs; or
- 7 (B) disability retirement benefits awarded to the individual
- 8 under laws administered by the United States Department of
- 9 Defense.
- 10 (b) A qualified individual is entitled to reduced fee hunting and
- 11 fishing licenses under this section.
- 12 (c) Each year a qualified individual may obtain:
- 13 (1) both:
- 14 (A) a resident yearly license to fish; and
- 15 (B) a resident yearly license to hunt; or
- 16 (2) a resident yearly license to hunt and fish;
- 17 by paying a reduced license fee of two dollars and seventy-five cents
- 18 (\$2.75) instead of the fee prescribed by section 1 of this chapter.
- 19 (d) Each decade a qualified individual may obtain:
- 20 (1) both:
- 21 (A) a resident license to fish that is valid for ten (10) years;
- 22 and
- 23 (B) a resident license to hunt that is valid for ten (10) years; or
- 24 (2) a resident license to hunt and fish that is valid for ten (10)
- 25 years;
- 26 by paying a reduced license fee of twenty-seven dollars and fifty cents
- 27 (\$27.50).
- 28 (e) An applicant for a reduced fee license under this section must do
- 29 the following:
- 30 (1) Request the license from:
- 31 (A) the department; **or**
- 32 (B) an agent appointed by the director under IC 14-22-11-3. **or**
- 33 ~~(C) the clerk of the circuit court who is an authorized~~
- 34 ~~representative of the department under IC 14-22-11-3 in the~~
- 35 ~~county in which the individual resides.~~
- 36 (2) Present evidence that the applicant is a qualified individual.
- 37 SECTION 15. IC 14-22-12-9 IS REPEALED [EFFECTIVE JULY
- 38 1, 2020]. ~~Sec. 9: The clerk of the circuit court in each county shall~~
- 39 ~~retain as the property of the county the service fees provided by section~~
- 40 ~~8 of this chapter from the sale of licenses sold by the clerk. The clerk~~
- 41 ~~shall pay the fees promptly into the county general fund as other fees~~
- 42 ~~are paid.~~



1 SECTION 16. IC 33-37-3-2.5 IS ADDED TO THE INDIANA  
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2020]: **Sec. 2.5. (a) The following definitions**  
 4 **apply throughout this section:**

5 (1) "Locality newspaper" has the meaning set forth in  
 6 IC 5-3-1-0.2.

7 (2) "Newspaper" has the meaning set forth in IC 5-3-1-0.4.

8 (3) "Qualified publication" has the meaning set forth in  
 9 IC 5-3-1-0.7.

10 (b) A locality newspaper, newspaper, or qualified publication  
 11 may not charge an indigent person a fee for publishing a legal  
 12 notice that exceeds the rate charged an elected or appointed public  
 13 official or a governmental agency under IC 5-3-1-1(b), if the person  
 14 provides the locality newspaper, newspaper, or qualified  
 15 publication with a copy of the indigency statement filed under  
 16 section 2 of this chapter.

17 SECTION 17. IC 36-1-12-3, AS AMENDED BY P.L.43-2019,  
 18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2020]: Sec. 3. (a) The board may purchase or lease materials  
 20 in the manner provided in IC 5-22 and perform any public work, by  
 21 means of its own workforce, without awarding a contract whenever the  
 22 cost of that public work project is estimated to be less than two hundred  
 23 fifty thousand dollars (\$250,000). Before a board may perform any  
 24 work under this section by means of its own workforce, the political  
 25 subdivision or agency must have a group of employees on its staff who  
 26 are capable of performing the construction, maintenance, and repair  
 27 applicable to that work. For purposes of this subsection, the cost of a  
 28 public work project includes:

29 (1) the actual cost of materials, labor, equipment, and rental;

30 (2) a reasonable rate for use of trucks and heavy equipment  
 31 owned; and

32 (3) all other expenses incidental to the performance of the project.

33 (b) This subsection applies only to a municipality or a county. The  
 34 workforce of a municipality or county may perform a public work  
 35 described in subsection (a) only if:

36 (1) the workforce, through demonstrated skills, training, or  
 37 expertise, is capable of performing the public work; and

38 (2) for a public work project under subsection (a) whose cost is  
 39 estimated to be more than one hundred thousand dollars  
 40 (\$100,000), the board:

41 (A) publishes a notice under IC 5-3-1 that:

42 (i) describes the public work that the board intends to



1 perform with its own workforce; and

2 (ii) sets forth the projected cost of each component of the  
3 public work as described in subsection (a); and

4 (B) determines at a public meeting that it is in the public  
5 interest to perform the public work with the board's own  
6 workforce.

7 A public work project performed by a board's own workforce must be  
8 inspected and accepted as complete in the same manner as a public  
9 work project performed under a contract awarded after receiving bids.

10 (c) When the project involves the rental of equipment with an  
11 operator furnished by the owner, or the installation or application of  
12 materials by the supplier of the materials, the project is considered to  
13 be a public work project and subject to this chapter. However, an  
14 annual contract may be awarded for equipment rental and materials to  
15 be installed or applied during a calendar or fiscal year if the proposed  
16 project or projects are described in the bid specifications.

17 (d) A board of aviation commissioners or an airport authority board  
18 may purchase or lease materials in the manner provided in IC 5-22 and  
19 perform any public work by means of its own workforce and owned or  
20 leased equipment, in the construction, maintenance, and repair of any  
21 airport roadway, runway, taxiway, or aircraft parking apron whenever  
22 the cost of that public work project is estimated to be less than one  
23 hundred fifty thousand dollars (\$150,000).

24 (e) Municipal and county hospitals must comply with this chapter  
25 for all contracts for public work that are financed in whole or in part  
26 with cumulative building fund revenue, as provided in section 1(c) of  
27 this chapter. However, if the cost of the public work is estimated to be  
28 less than fifty thousand dollars (\$50,000), as reflected in the board  
29 minutes, the hospital board may have the public work done without  
30 receiving bids, by purchasing the materials and performing the work by  
31 means of its own workforce and owned or leased equipment.

32 (f) **As used in this subsection, "department" means:**

33 **(1) the Indiana department of transportation established by**  
34 **IC 8-23-2-1; or**

35 **(2) a public highway department that is:**

36 **(A) under the political control of a unit (as defined in**  
37 **IC 36-1-2-23); and**

38 **(B) involved in the construction, maintenance, or repair of**  
39 **a public highway (as defined in IC 9-25-2-4).**

40 If a public works project involves a structure, an improvement, or a  
41 facility under the control of a department, ~~(as defined in~~  
42 ~~IC 4-3-19-2(2));~~ the department may not artificially divide the project



1 to bring any part of the project under this section.

2 SECTION 18. IC 36-7-11.5-1, AS AMENDED BY P.L.234-2007,  
3 SECTION 282, IS AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2020]: Sec. 1. ~~(a)~~ As used in this chapter,  
5 "advisory board" refers to the Orange County development advisory  
6 board established by section 12 of this chapter.

7 ~~(b)~~ (a) As used in this chapter, "development commission" refers to  
8 the Orange County development commission established by section 3.5  
9 of this chapter.

10 ~~(c)~~ (b) As used in this chapter, "historic hotel" has the meaning set  
11 forth in IC 4-33-2-11.1.

12 ~~(d)~~ (c) As used in this chapter, "hotel riverboat resort" refers to the  
13 historic hotels, the riverboat operated under IC 4-33-6.5, and other  
14 properties operated in conjunction with the riverboat enterprise located  
15 in Orange County.

16 ~~(e)~~ (d) As used in this chapter, "qualified historic hotel" refers to a  
17 historic hotel that has an atrium that includes a dome that is at least two  
18 hundred (200) feet in diameter.

19 SECTION 19. IC 36-7-11.5-12 IS REPEALED [EFFECTIVE JULY  
20 1, 2020]. Sec. 12. (a) The Orange County development advisory board  
21 is established for the purpose of advising the development commission  
22 established under section 3.5 of this chapter.

23 (b) The advisory board consists of five (5) members appointed as  
24 follows:

25 (1) One (1) individual appointed by the speaker of the house of  
26 representatives.

27 (2) One (1) individual appointed by the president pro tempore of  
28 the senate.

29 (3) One (1) individual appointed by the Orange County  
30 convention and visitors bureau.

31 (4) Two (2) individuals appointed by the chief operating officer  
32 of the hotel riverboat resort.

33 (c) Except as provided in subsection (d), the members of the  
34 advisory board shall each serve for a term of four (4) years. A vacancy  
35 shall be filled for the duration of the term by the original appointing  
36 authority.

37 (d) The member appointed under subsection (b)(3) shall serve an  
38 initial term of one (1) year. As determined by the appointing authority,  
39 the two (2) members appointed under subsection (b)(4) shall serve  
40 initial terms of two (2) and three (3) years respectively.

41 (e) A member of the advisory board is not entitled to a salary per  
42 diem. However, a member is entitled to reimbursement for travel



1 expenses incurred in connection with the member's duties, as provided  
 2 in the state travel policies and procedures established by the  
 3 department of administration and approved by the budget agency.

4 SECTION 20. IC 36-7-13.5 IS REPEALED [EFFECTIVE JULY 1,  
 5 2020]. (Shoreline Development).

6 SECTION 21. IC 36-7.5-1-12, AS AMENDED BY P.L.197-2011,  
 7 SECTION 146, IS AMENDED TO READ AS FOLLOWS  
 8 [EFFECTIVE JULY 1, 2020]: Sec. 12. "Eligible political subdivision"  
 9 means the following:

- 10 (1) An airport authority.
- 11 (2) A commuter transportation district.
- 12 (3) A regional bus authority under IC 36-9-3-2(c).
- 13 (4) A regional transportation authority established under  
 14 IC 36-9-3-2.
- 15 (5) ~~The Lake Michigan marina and shoreline development  
 16 commission under IC 36-7-13.5.~~

17 SECTION 22. IC 36-7.5-1-12.4 IS REPEALED [EFFECTIVE JULY  
 18 1, 2020]. ~~Sec. 12.4. "Lake Michigan marina and shoreline development  
 19 commission" means the commission established by IC 36-7-13.5-2.~~

20 SECTION 23. IC 36-7.5-1-12.5 IS REPEALED [EFFECTIVE JULY  
 21 1, 2020]. ~~Sec. 12.5. "Lake Michigan marina and shoreline development  
 22 commission project" means a project that can be financed with the  
 23 proceeds of bonds issued by the Lake Michigan marina and shoreline  
 24 development commission.~~

25 SECTION 24. IC 36-7.5-1-13, AS AMENDED BY P.L.197-2011,  
 26 SECTION 149, IS AMENDED TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 2020]: Sec. 13. "Project" means an airport  
 28 authority project, a commuter transportation district project, an  
 29 economic development project, a regional bus authority project, **or** a  
 30 regional transportation authority project. ~~or a Lake Michigan marina  
 31 and shoreline development commission project.~~

32 SECTION 25. IC 36-7.5-2-1, AS AMENDED BY P.L.229-2017,  
 33 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2020]: Sec. 1. The northwest Indiana regional development  
 35 authority is established as a separate body corporate and politic to carry  
 36 out the purposes of this article by:

- 37 (1) acquiring, constructing, equipping, owning, leasing, and  
 38 financing projects and facilities for lease to or for the benefit of  
 39 eligible political subdivisions under this article in accordance  
 40 with IC 36-7.5-3-1.5;
- 41 (2) funding and developing the Gary/Chicago International  
 42 Airport expansion and other airport authority projects, commuter



1 transportation district and other rail projects and services,  
 2 regional bus authority projects and services, regional  
 3 transportation authority projects and services, ~~Lake Michigan~~  
 4 ~~marina and shoreline development projects and activities~~, and  
 5 economic development projects in northwestern Indiana;

6 (3) assisting with the funding of infrastructure needed to sustain  
 7 development of an intermodal facility in northwestern Indiana;

8 (4) funding and developing regional transportation infrastructure  
 9 projects under IC 36-9-43; and

10 (5) studying and evaluating destination based economic  
 11 development projects that have:

12 (A) an identified market;

13 (B) identified funding sources and these funding sources  
 14 include at least fifty percent (50%) from nongovernmental  
 15 sources; and

16 (C) a demonstrable short and long term local and regional  
 17 economic impact, as verified by an independent economic  
 18 analysis.

19 An economic analysis conducted under clause (C) must be  
 20 submitted to the budget committee at least thirty (30) days before  
 21 review is sought for the project under IC 36-7.5-3-1.5.

22 SECTION 26. IC 36-7.5-3-1, AS AMENDED BY P.L.189-2018,  
 23 SECTION 168, IS AMENDED TO READ AS FOLLOWS  
 24 [EFFECTIVE JULY 1, 2020]: Sec. 1. The development authority shall  
 25 do the following:

26 (1) Subject to sections 1.5 and 1.7 of this chapter, assist in the  
 27 coordination of local efforts concerning projects.

28 (2) Assist a commuter transportation district, an airport authority,  
 29 ~~the Lake Michigan marina and shoreline development~~  
 30 ~~commission~~, a regional transportation authority, and a regional  
 31 bus authority in coordinating regional transportation and  
 32 economic development efforts.

33 (3) Subject to sections 1.5 and 1.7 of this chapter, fund projects  
 34 as provided in this article.

35 (4) Fund bus services (including fixed route services and flexible  
 36 or demand-responsive services) and projects related to bus  
 37 services and bus terminals, stations, or facilities.

38 SECTION 27. IC 36-7.5-3-2, AS AMENDED BY P.L.229-2017,  
 39 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2020]: Sec. 2. (a) The development authority may do any of  
 41 the following:

42 (1) Finance, improve, construct, reconstruct, renovate, purchase,



- 1 lease, acquire, and equip land and projects located in an eligible  
 2 county or eligible municipality.
- 3 (2) Lease land or a project to an eligible political subdivision.
- 4 (3) Finance and construct additional improvements to projects or  
 5 other capital improvements owned by the development authority  
 6 and lease them to or for the benefit of an eligible political  
 7 subdivision.
- 8 (4) Acquire land or all or a portion of one (1) or more projects  
 9 from an eligible political subdivision by purchase or lease and  
 10 lease the land or projects back to the eligible political subdivision,  
 11 with any additional improvements that may be made to the land  
 12 or projects.
- 13 (5) Acquire all or a portion of one (1) or more projects from an  
 14 eligible political subdivision by purchase or lease to fund or  
 15 refund indebtedness incurred on account of the projects to enable  
 16 the eligible political subdivision to make a savings in debt service  
 17 obligations or lease rental obligations or to obtain relief from  
 18 covenants that the eligible political subdivision considers to be  
 19 unduly burdensome.
- 20 (6) Make loans, loan guarantees, and grants or provide other  
 21 financial assistance to or on behalf of the following:
- 22 (A) A commuter transportation district.
- 23 (B) An airport authority or airport development authority.
- 24 ~~(C) The Lake Michigan marina and shoreline development~~  
 25 ~~commission.~~
- 26 ~~(D)~~ (C) A regional bus authority. A loan, loan guarantee,  
 27 grant, or other financial assistance under this clause may be  
 28 used by a regional bus authority for acquiring, improving,  
 29 operating, maintaining, financing, and supporting the  
 30 following:
- 31 (i) Bus services (including fixed route services and flexible  
 32 or demand-responsive services) that are a component of a  
 33 public transportation system.
- 34 (ii) Bus terminals, stations, or facilities or other regional bus  
 35 authority projects.
- 36 ~~(E)~~ (D) A regional transportation authority.
- 37 ~~(F)~~ (E) A member municipality that is eligible to make an  
 38 appointment to the development board under  
 39 IC 36-7.5-2-3(b)(2) and that has pledged admissions tax  
 40 revenue for a bond anticipation note after March 31, 2014, and  
 41 before June 30, 2015. However, a loan made to such a member  
 42 municipality before June 30, 2016, under this clause must



- 1 have a term of not more than ten (10) years, must require
- 2 annual level debt service payments, and must have a market
- 3 based interest rate. If a member municipality defaults on the
- 4 repayment of a loan made under this clause, the development
- 5 authority shall notify the treasurer of state of the default and
- 6 the treasurer of state shall:
- 7 (i) withhold from any funds held for distribution to the
- 8 municipality under IC 4-33-12, or IC 4-33-13 an amount
- 9 sufficient to cure the default; and
- 10 (ii) pay that amount to the development authority.
- 11 (7) Provide funding to assist a railroad that is providing commuter
- 12 transportation services in an eligible county or eligible
- 13 municipality.
- 14 (8) Provide funding to assist an airport authority located in an
- 15 eligible county or eligible municipality in the construction,
- 16 reconstruction, renovation, purchase, lease, acquisition, and
- 17 equipping of an airport facility or airport project.
- 18 (9) Provide funding to assist in the development of an intermodal
- 19 facility to facilitate the interchange and movement of freight.
- 20 ~~(10) Provide funding to assist the Lake Michigan marina and~~
- 21 ~~shoreline development commission in carrying out the purposes~~
- 22 ~~of IC 36-7-13.5.~~
- 23 ~~(11)~~ **(10)** Provide funding for economic development projects in
- 24 an eligible county or eligible municipality.
- 25 ~~(12)~~ **(11)** Hold, use, lease, rent, purchase, acquire, and dispose of
- 26 by purchase, exchange, gift, bequest, grant, condemnation, lease,
- 27 or sublease, on the terms and conditions determined by the
- 28 development authority, any real or personal property located in an
- 29 eligible county or eligible municipality.
- 30 ~~(13)~~ **(12)** After giving notice, enter upon any lots or lands for the
- 31 purpose of surveying or examining them to determine the location
- 32 of a project.
- 33 ~~(14)~~ **(13)** Make or enter into all contracts and agreements
- 34 necessary or incidental to the performance of its duties and the
- 35 execution of its powers under this article.
- 36 ~~(15)~~ **(14)** Sue, be sued, plead, and be impleaded.
- 37 ~~(16)~~ **(15)** Design, order, contract for, and construct, reconstruct,
- 38 and renovate a project or improvements to a project.
- 39 ~~(17)~~ **(16)** Appoint an executive director and employ appraisers,
- 40 real estate experts, engineers, architects, surveyors, attorneys,
- 41 accountants, auditors, clerks, construction managers, and any
- 42 consultants or employees that are necessary or desired by the





- 1 development authority in exercising its powers or carrying out its
- 2 duties under this article.
- 3 ~~(18)~~ **(17)** Accept loans, grants, and other forms of financial
- 4 assistance from the federal government, the state government, a
- 5 political subdivision, or any other public or private source.
- 6 ~~(19)~~ **(18)** Use the development authority's funds to match federal
- 7 grants or make loans, loan guarantees, or grants to carry out the
- 8 development authority's powers and duties under this article.
- 9 ~~(20)~~ **(19)** Provide funding for regional transportation
- 10 infrastructure projects under IC 36-9-43.
- 11 ~~(21)~~ **(20)** Except as prohibited by law, take any action necessary
- 12 to carry out this article.

13 (b) If the development authority is unable to agree with the owners,  
 14 lessees, or occupants of any real property selected for the purposes of  
 15 this article, the development authority may proceed under IC 32-24-1  
 16 to procure the condemnation of the property. The development  
 17 authority may not institute a proceeding until it has adopted a  
 18 resolution that:

- 19 (1) describes the real property sought to be acquired and the
- 20 purpose for which the real property is to be used;
- 21 (2) declares that the public interest and necessity require the
- 22 acquisition by the development authority of the property involved;
- 23 and
- 24 (3) sets out any other facts that the development authority
- 25 considers necessary or pertinent.

26 The resolution is conclusive evidence of the public necessity of the  
 27 proposed acquisition.

28 SECTION 28. IC 36-7.5-4-6, AS ADDED BY P.L.214-2005,  
 29 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2020]: Sec. 6. (a) Bonds issued under IC 8-5-15, IC 8-22-3,  
 31 IC 36-7-13.5 **(before its repeal)**, or IC 36-9-3 or prior law may be  
 32 refunded as provided in this section.

- 33 (b) An eligible political subdivision may:
- 34 (1) lease all or a portion of land or a project or projects to the
- 35 development authority, which may be at a nominal lease rental
- 36 with a lease back to the eligible political subdivision, conditioned
- 37 upon the development authority assuming bonds issued under
- 38 IC 8-5-15, IC 8-22-3, IC 36-7-13.5 **(before its repeal)**, or
- 39 IC 36-9-3 or prior law and issuing its bonds to refund those
- 40 bonds; and
- 41 (2) sell all or a portion of land or a project or projects to the
- 42 development authority for a price sufficient to provide for the



1            refunding of those bonds and lease back the land or project or  
2            projects from the development authority.

3            SECTION 29. [EFFECTIVE JULY 1, 2020] **(a) On July 1, 2020,**  
4            **the budget agency shall transfer any unencumbered money in the**  
5            **high speed rail development fund established by IC 8-23-25-1, as**  
6            **repealed by this act, as of June 30, 2020, to the state general fund.**

7            **(b) This SECTION expires January 1, 2021.**

