



March 18, 2021

ENGROSSED SENATE BILL No. 384

DIGEST OF SB 384 (Updated March 17, 2021 5:25 pm - DI 134)

Citations Affected: IC 36-7.

Synopsis: Professional sports and convention development areas. Increases the maximum amount of covered taxes that may be captured in the Allen County PSCDA from \$3,000,000 to \$5,000,000. Provides for distribution of the covered taxes in the Allen County PSCDA as follows: (1) The first \$2,600,000 to the Allen County War Memorial Coliseum. (2) The next \$400,000 to the Allen County-Fort Wayne capital improvement board (board) for the Grand Wayne Center. (3) The remaining amount to the board to be split evenly between the Allen County War Memorial Coliseum and the Grand Wayne Center. Specifies the termination date of the Allen County PSCDA. Provides that the Evansville PSCDA (which is currently expired) is renewed beginning after June 30, 2021, for an additional 20 years, including the addition of the downtown convention center hotel to the Evansville PSCDA. Provides that the South Bend PSCDA (which is currently expired) is renewed beginning after June 30, 2021, for an additional 20 years, including the addition of three downtown hotels, the Howard Park event center, and facilities located at the Indiana University South Bend campus to the South Bend PSCDA. Provides that the maximum amount of covered taxes that may be captured in the renewed South Bend PSCDA is \$2,000,000 per year. Revises the expiration date for the PSCDA chapter.

Effective: July 1, 2021.

Holdman, Mishler, Niezgodski

(HOUSE SPONSOR — HEINE)

January 14, 2021, read first time and referred to Committee on Appropriations.
February 4, 2021, amended, reported favorably — Do Pass.
February 11, 2021, read second time, ordered engrossed. Engrossed.
February 15, 2021, read third time, passed. Yeas 41, nays 5.

HOUSE ACTION

March 2, 2021, read first time and referred to Committee on Ways and Means.
March 18, 2021, amended, reported — Do Pass.

ES 384—LS 7388/DI 120



March 18, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 384

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

- 1 SECTION 1. IC 36-7-31.3-8, AS AMENDED BY P.L.197-2016,
2 SECTION 136, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) A designating body may
4 designate as part of a professional sports and convention development
5 area any facility that is:
6 (1) owned by the city, the county, a school corporation, or a board
7 under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11, and
8 used by a professional sports franchise for practice or competitive
9 sporting events;
10 (2) owned by the city, the county, or a board under IC 36-9-13,
11 IC 36-10-8, IC 36-10-10, or IC 36-10-11, and used as one (1) of
12 the following:
13 (A) A facility used principally for convention or tourism
14 related events serving national or regional markets.
15 (B) An airport.
16 (C) A museum.
17 (D) A zoo.

ES 384—LS 7388/DI 120



- 1 (E) A facility used for public attractions of national
2 significance.
- 3 (F) A performing arts venue.
- 4 (G) A county courthouse registered on the National Register
5 of Historic Places; or
6 (3) a hotel.
- 7 Notwithstanding section 9 of this chapter or any other law, a
8 designating body may by resolution approve the expansion of a
9 professional sports and convention development area after June 30,
10 2009, to include a hotel designated by the designating body. A
11 resolution for such an expansion must be reviewed by the budget
12 committee and approved by the budget agency in the same manner as
13 a resolution establishing a professional sports and convention
14 development area is reviewed and approved. A facility may not include
15 a private golf course or related improvements. The tax area may
16 include only facilities described in this section and any parcel of land
17 on which a facility is located. An area may contain noncontiguous
18 tracts of land within the city, county, or school corporation.
- 19 (b) Except for a tax area that is located in a city having a population
20 of:
- 21 (1) more than one hundred fifty thousand (150,000) but less than
22 five hundred thousand (500,000); or
23 (2) more than eighty thousand (80,000) but less than eighty
24 thousand four hundred (80,400);
- 25 a tax area must include at least one (1) facility described in subsection
26 (a)(1).
- 27 (c) A tax area may contain other facilities not owned by the
28 designating body if:
- 29 (1) the facility is owned by a city, the county, a school
30 corporation, or a board established under IC 36-9-13, IC 36-10-8,
31 IC 36-10-10, or IC 36-10-11; and
32 (2) an agreement exists between the designating body and the
33 owner of the facility specifying the distribution and uses of the
34 covered taxes to be allocated under this chapter.
- 35 (d) This subsection applies to all tax areas located in a county
36 having a population of more than three hundred thousand (300,000) but
37 less than four hundred thousand (400,000). The facilities located at an
38 ~~Indiana University-Purdue University regional~~ **Indiana University**
39 **Fort Wayne and Purdue University Fort Wayne** campus are added
40 to the tax area designated by the county. **For state fiscal years:**
41 **(1) beginning before July 1, 2021,** the maximum amount of
42 covered taxes that may be captured in all tax areas located in the



1 county is three million dollars (\$3,000,000) per year; **and**
 2 **(2) beginning after June 30, 2021, the maximum amount of**
 3 **covered taxes that may be captured in all tax areas located in**
 4 **the county is five million dollars (\$5,000,000);**

5 regardless of the designating body that established the tax area. The
 6 revenue from the local income tax imposed under IC 6-3.6 that is
 7 captured must be counted first toward this maximum.

8 **(e) This subsection applies to a tax area located in Evansville.**
 9 **Notwithstanding any other provision of this chapter, for state fiscal**
 10 **years beginning after July 1, 2021, any facility in Evansville,**
 11 **Indiana:**

12 **(1) that consists of a hotel; and**

13 **(2) is located in the north part of an area bounded on the**
 14 **northwest by Walnut Street, on the northeast by SE Martin**
 15 **Luther King Jr. Boulevard, on the southwest by SE 6th Street,**
 16 **and on the southeast by Cherry Street, as those streets were**
 17 **located on July 1, 2021;**

18 **is added to the tax area. The provisions in sections 11 and 12 of this**
 19 **chapter are not applicable to the area described in this subsection.**

20 **(f) This subsection applies to a tax area located in South Bend.**
 21 **Notwithstanding any other provision of this chapter, for state fiscal**
 22 **years in which the tax area is renewed under section 10(d) of this**
 23 **chapter after June 30, 2021, the tax area shall also include any**
 24 **facility or complex of facilities:**

25 **(1) that consists of hotels located in the following areas in**
 26 **South Bend, Indiana:**

27 **(A) in the east quadrant of an area bounded on the north**
 28 **by Columbus Court, on the east by North Main Street, and**
 29 **on the south by West Washington Street, as those streets**
 30 **were located on July 1, 2021;**

31 **(B) an area bounded on the north by East Colfax Avenue,**
 32 **on the east by Doctor Martin Luther King, Jr. Boulevard,**
 33 **on the south by East Washington Street, and on the west by**
 34 **North Michigan Street, as those streets were located on**
 35 **July 1, 2021; and**

36 **(C) in the southeast quadrant of an area bounded on the**
 37 **north by East Washington Street, on the east by Doctor**
 38 **Martin Luther King, Jr. Boulevard, and on the south by**
 39 **East Jefferson Boulevard, as those streets were located on**
 40 **July 1, 2021;**

41 **(2) that consists of a sports, recreational and event facility or**
 42 **complex of facilities located in South Bend, Indiana, in the**



1 northeast quadrant of an area bounded on the north by East
 2 Jefferson Boulevard, on the east by South St. Louis
 3 Boulevard, as those streets were located on July 1, 2021, and
 4 on the west by the St. Joseph River; and
 5 (3) located at an Indiana University South Bend campus.

6 The provisions in sections 11 and 12 of this chapter are not
 7 applicable to the renewal of the tax areas described in this
 8 subsection.

9 SECTION 2. IC 36-7-31.3-10, AS AMENDED BY P.L.100-2014,
 10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2021]: Sec. 10. (a) A tax area must be established by
 12 resolution. A resolution establishing a tax area must provide for the
 13 allocation of covered taxes attributable to a taxable event or covered
 14 taxes earned in the tax area to the professional sports and convention
 15 development area fund established for the city or county. The
 16 allocation provision must apply to the entire tax area. The following
 17 apply to Allen County:

18 (1) The fund required by this subsection is the coliseum
 19 professional sports and convention development area fund. This
 20 fund shall be administered by the Allen County Memorial
 21 Coliseum board of trustees.

22 (2) The allocation each year must be as follows:

23 **(A) The following for state fiscal years ending before July**
 24 **1, 2021:**

25 ~~(A)~~ (i) The first two million six hundred thousand dollars
 26 (\$2,600,000) shall be transferred to the county treasurer for
 27 deposit in the coliseum professional sports and convention
 28 development area fund.

29 ~~(B)~~ (ii) The remaining amount shall be transferred to the
 30 treasurer of the joint county-city capital improvement board
 31 in the county.

32 **(B) The following for state fiscal years beginning after**
 33 **June 30, 2021:**

34 (i) The first two million six hundred thousand dollars
 35 (\$2,600,000) shall be transferred to the county treasurer
 36 for deposit in the coliseum professional sports and
 37 convention development area fund.

38 (ii) After the allocation under item (i), the next four
 39 hundred thousand dollars (\$400,000) shall be transferred
 40 to the joint county-city capital improvement board in the
 41 county for the Grand Wayne Center.

42 (iii) After the allocations under items (i) and (ii), any



1 **remaining amount shall be transferred to the joint**
 2 **county-city capital improvement board in the county to**
 3 **be split evenly between the Allen County War Memorial**
 4 **Coliseum and the Grand Wayne Center.**

5 The resolution must provide the tax area terminates not later than
 6 December 31, 2027. However, in the case of a tax area located in Allen
 7 County, the resolution must provide that the tax area terminates before
 8 the later of January 1, 2028, or if the designating body takes final
 9 action on the financing for the facility or proposed facility before
 10 January 1, 2015, a date agreed to jointly by the budget agency and the
 11 designating body that established the tax area. However, the date
 12 agreed to jointly may not be later than twenty-five (25) years after the
 13 debt to finance the facility or proposed facility is issued. The budget
 14 agency must approve the final financing for the facility or proposed
 15 facility. **A tax area located in Allen County terminates not later**
 16 **than December 31, 2038.** Any bonds **that were issued before**
 17 **January 1, 2015**, to finance the facility or proposed facility must have
 18 a maturity of less than twenty-five (25) years.

19 (b) In addition to subsection (a), all of the salary, wages, bonuses,
 20 and other compensation that are:

- 21 (1) paid during a taxable year to a professional athlete for
 22 professional athletic services;
 23 (2) taxable in Indiana; and
 24 (3) earned in the tax area;

25 shall be allocated to the tax area if the professional athlete is a member
 26 of a team that plays the majority of the professional athletic events that
 27 the team plays in Indiana in the tax area.

28 (c) **Except as provided in subsection (d)**, for a tax area that is:

- 29 (1) not located in a county having a population of more than three
 30 hundred thousand (300,000) but less than four hundred thousand
 31 (400,000); and
 32 (2) not located in a city having a population of more than one
 33 hundred thousand (100,000) but less than one hundred ten
 34 thousand (110,000);

35 the total amount of state revenue captured by the tax area may not
 36 exceed five dollars (\$5) per resident of the city or county per year for
 37 twenty (20) consecutive years.

38 (d) For a tax area that is located in a city having a population of
 39 more than one hundred thousand (100,000) but less than one hundred
 40 ten thousand (110,000), the total amount of state revenue captured by
 41 the tax area may not exceed six dollars and fifty cents (\$6.50) per
 42 resident of the city per year for twenty (20) consecutive years.



1 **(d) This subsection applies to a tax area established in a city**
 2 **having a population of more than one hundred ten thousand**
 3 **(110,000) but less than one hundred fifty thousand (150,000) that**
 4 **expired before July 1, 2021. The tax area described in this**
 5 **subsection is renewed beginning after June 30, 2021, for an**
 6 **additional twenty (20) consecutive years, and shall include:**

- 7 **(1) the boundaries of the tax area before its expiration; plus**
 8 **(2) the additional tax area added under section 8(e) of this**
 9 **chapter.**

10 **The provisions in sections 11 and 12 of this chapter are not**
 11 **applicable to the renewal of the tax area described in this**
 12 **subsection.**

13 **(e) This subsection applies to a tax area established in a city**
 14 **having a population of more than one hundred thousand (100,000)**
 15 **but less than one hundred ten thousand (110,000) that expired**
 16 **before July 1, 2021. The tax area described in this subsection is**
 17 **renewed beginning after June 30, 2021, for an additional twenty**
 18 **(20) consecutive years, and shall include:**

- 19 **(1) the boundaries of the tax area before its expiration; plus**
 20 **(2) the additional tax areas added under section 8(f) of this**
 21 **chapter.**

22 **The provisions in sections 11 and 12 of this chapter are not**
 23 **applicable to the renewal of the tax area described in this**
 24 **subsection. The maximum amount of covered taxes that may be**
 25 **captured in the tax area under this subsection is two million dollars**
 26 **(\$2,000,000) per year.**

27 ~~(e)~~ **(f) The resolution establishing the tax area must designate the**
 28 **facility or proposed facility and the facility site for which the tax area**
 29 **is established.**

30 ~~(f)~~ **(g) The department may adopt rules under IC 4-22-2 and**
 31 **guidelines to govern the allocation of covered taxes to a tax area.**

32 **SECTION 3. IC 36-7-31.3-21, AS AMENDED BY P.L.100-2014,**
 33 **SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
 34 **JULY 1, 2021]: Sec. 21. This chapter expires December 31, ~~2040-~~**
 35 **2041.**



COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 384, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 4, delete "four million dollars (\$4,000,000);" and insert **"five million dollars (\$5,000,000);"**.

Page 3, delete lines 20 through 21, begin a new paragraph and insert:

"(f) This subsection applies to a tax area located in South Bend. Notwithstanding any other provision of this chapter, for state fiscal years in which the tax area is renewed under section 10(d) of this chapter after June 30, 2021, the tax area shall also include any facility or complex of facilities:

(1) that consists of hotels located in the following areas in South Bend, Indiana:

(A) in the east quadrant of an area bounded on the north by Columbus Court, on the east by North Main Street, and on the south by West Washington Street, as those streets were located on July 1, 2021;

(B) an area bounded on the north by East Colfax Avenue, on the east by Doctor Martin Luther King, Jr. Boulevard, on the south by East Washington Street, and on the west by North Michigan Street, as those streets were located on July 1, 2021; and

(C) in the southeast quadrant of an area bounded on the north by East Washington Street, on the east by Doctor Martin Luther King, Jr. Boulevard, and on the south by East Jefferson Boulevard, as those streets were located on July 1, 2021;

(2) that consists of a sports, recreational and event facility or complex of facilities located in South Bend, Indiana, in the northeast quadrant of an area bounded on the north by East Jefferson Boulevard, on the east by South St. Louis Boulevard, as those streets were located on July 1, 2021, and on the west by the St. Joseph River; and

(3) located at an Indiana University South Bend campus.

The provisions in sections 11 and 12 of this chapter are not applicable to the renewal of the tax areas described in this subsection."

Page 4, line 12, delete "." and insert **"for the Grand Wayne Center."**



Page 4, line 14, delete "county" and insert **"joint county-city capital improvement board in the county to be split evenly between the Allen County War Memorial Coliseum and the Grand Wayne Center."**

Page 4, delete lines 15 through 16.

Page 4, line 17, before "The" insert **"However, notwithstanding clause (B), if the city imposes a food and beverage tax during the state fiscal year and the amount of covered taxes that are captured in all tax areas in the county exceeds three million dollars (\$3,000,000) in that state fiscal year, the amount of the captured taxes exceeding three million dollars (\$3,000,000) in the state fiscal year shall not be allocated to the joint county-city capital improvement board in the county and instead shall be allocated to the county treasurer for deposit in the coliseum professional sports and convention development area fund."**

Page 4, line 40, delete "For" and insert **"Except as provided in subsection (d), for"**.

Page 5, line 7, reset in roman "consecutive".

Page 5, strike lines 8 through 12.

Page 5, between lines 12 and 13, begin a new paragraph and insert:

"(d) This subsection applies to a tax area established in a city having a population of more than one hundred ten thousand (110,000) but less than one hundred fifty thousand (150,000) that expired before July 1, 2021. The tax area described in this subsection is renewed beginning after June 30, 2021, for an additional twenty (20) consecutive years, and shall include:

- (1) the boundaries of the tax area before its expiration; plus**
- (2) the additional tax area added under section 8(e) of this chapter.**

The provisions in sections 11 and 12 of this chapter are not applicable to the renewal of the tax area described in this subsection.

(e) This subsection applies to a tax area established in a city having a population of more than one hundred thousand (100,000) but less than one hundred ten thousand (110,000) that expired before July 1, 2021. The tax area described in this subsection is renewed beginning after June 30, 2021, for an additional twenty (20) consecutive years, and shall include:

- (1) the boundaries of the tax area before its expiration; plus**
- (2) the additional tax areas added under section 8(f) of this chapter.**

The provisions in sections 11 and 12 of this chapter are not



applicable to the renewal of the tax area described in this subsection. The maximum amount of covered taxes that may be captured in the tax area under this subsection is two million dollars (\$2,000,000) per year."

Page 5, line 13, strike "(e)" and insert "(f)".

Page 5, line 16, strike "(f)" and insert "(g)".

Page 5, delete lines 18 through 42, begin a new paragraph and insert:

"SECTION 3. IC 36-7-31.3-21, AS AMENDED BY P.L.100-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 21. This chapter expires December 31, ~~2040~~: **2041.**

SECTION 4. IC 36-10-8-4, AS AMENDED BY P.L.229-2011, SECTION 267, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) The board is composed of seven (7) members.

(b) The county executive shall determine in the creating ordinance which units within the county shall make appointments to the board. In addition, the creating ordinance must provide that no more than four (4) of the members be affiliated with the same political party. The creating ordinance must also provide staggered terms for the appointments.

(c) Notwithstanding subsection (b), if a board was created under IC 18-7-18 (before its repeal on February 24, 1982), three (3) members shall be appointed by the executive of the second class city and three (3) members shall be appointed by the executive of the county. ~~Those members shall select the seventh member, who serves as president.~~ **The seventh member of the board shall be appointed by the city council of the second class city.** One (1) of the members appointed by the city executive must be engaged in the hospitality industry in the city. No more than two (2) of the members appointed by the city executive may be affiliated with the same political party and no more than two (2) of the members appointed by the county executive may be affiliated with the same political party. In addition, each member must have been a resident of the county for at least one (1) year immediately preceding the member's appointment **and must be a resident of the county during the member's term of appointment.** Initial terms of the members are as follows:

(1) One (1) of the members appointed by each appointing authority for a term ending January 15 of the year following the appointment.

(2) Two (2) of the members appointed by each appointing



authority for a term ending January 15 of the second year following the appointment.

(3) The seventh member serves for a term ending January 15 of the second year following the appointment.

The board shall elect one (1) of its members as president, who serves from the date of their election and until their successor is elected and qualified.

(d) Subsequent terms of members are for two (2) years. All terms begin on January 15. A member serves until a successor is appointed and qualified. A member may be reappointed after the member's term has expired.

(e) If a vacancy occurs on the board, the appointing authority shall appoint a new member. That member serves for the remainder of the vacated term.

(f) A board member may be removed for cause by the appointing authority who appointed the member.

(g) Each member, before entering upon the member's duties, shall take and subscribe an oath of office in the usual form. The oath shall be endorsed upon the member's certificate of appointment. The certificate shall be promptly filed with the records of the board. However, if the board was created under IC 18-7-18 (before its repeal on February 24, 1982), the certificate shall be filed with the clerk of the circuit court of the county in which the board is created.

(h) A member may not receive a salary, but is entitled to reimbursement for any expenses necessarily incurred in the performance of the member's duties.

SECTION 5. [EFFECTIVE JUNE 30, 2021] (a) Notwithstanding any other provision of IC 36-10-8, the term of the seventh member of the capital improvement board of managers that was created under IC 18-7-18 (before its repeal on February 24, 1982) who, under IC 36-10-8-4(c) before its amendment by this act, is selected by the other members of the board and serves as president shall expire on June 30, 2021.

(b) This SECTION expires July 1, 2022.

SECTION 6. An emergency is declared for this act."

Delete page 6.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 384 as introduced.)



MISHLER, Chairperson

Committee Vote: Yeas 13, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 384, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, delete lines 5 through 12.

Page 5, line 13, delete "professional sports and convention development area fund."

Page 7, delete lines 3 through 42.

Delete page 8.

and when so amended that said bill do pass.

(Reference is to SB 384 as printed February 5, 2021.)

BROWN T

Committee Vote: yeas 21, nays 0.

