

SENATE BILL No. 395

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-7-11.5-11.

Synopsis: Historic hotel preservation and maintenance fund. Provides that the entire balance in the West Baden Springs historic hotel preservation and maintenance fund is annually appropriated for purposes of reimbursing claims made for expenditures to maintain a qualified historic hotel, the grounds surrounding the hotel, supporting buildings and structures related to the hotel, and other facilities used by the guests of the hotel. (Under current law, only the interest accruing to the fund is annually appropriated for those purposes.) Provides that the total amount withdrawn from the fund to pay claims for the state fiscal year beginning July 1, 2015, and ending June 30, 2016, may not exceed 5% of the amount of money in the fund at the beginning of that fiscal year. Provides that, for any subsequent fiscal year: (1) the department may not pay a claim until the fund has a balance of at least \$20,000,000; and (2) the total money withdrawn from the fund to pay claims in that fiscal year may not exceed 5% of the amount of money in the fund at the time the balance is at least \$20,000,000.

Effective: July 1, 2015.

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January 12, 2015, read first time and referred to Committee on Tax & Fiscal Policy.



First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 395

A BILL FOR AN ACT to amend the Indiana Code concerning local government and to make an appropriation.

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

1 SECTION 1. IC 36-7-11.5-11, AS AMENDED BY P.L.229-2011,
2 SECTION 266, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) As used in this section,
4 "fund" refers to the West Baden Springs historic hotel preservation and
5 maintenance fund established by subsection (b).
6 (b) The West Baden Springs historic hotel preservation and
7 maintenance fund is established. The fund consists of the following:
8 (1) Amounts deposited in the fund under IC 4-33-6.5-6,
9 IC 4-33-12-6(c), and IC 4-33-13-5(b).
10 (2) Grants and gifts that the department of natural resources
11 receives for the fund under terms, obligations, and liabilities that
12 the department considers appropriate.
13 (3) The one million dollar (\$1,000,000) initial fee paid to the
14 gaming commission under IC 4-33-6.5.
15 (4) Any amount transferred to the fund upon the repeal of
16 IC 36-7-11.5-8 (the community trust fund).



1 The fund shall be administered by the department of natural resources.
 2 The expenses of administering the fund shall be paid from money in
 3 the fund.

4 (c) The treasurer of state shall invest the money in the fund that is
 5 not currently needed to meet the obligations of the fund in the same
 6 manner as other public funds may be invested. The treasurer of state
 7 shall deposit in the fund the interest that accrues from the investment
 8 of the fund.

9 (d) Money in the fund at the end of a state fiscal year does not revert
 10 to the state general fund.

11 (e) The ~~interest accruing to the money in the~~ fund is annually
 12 appropriated to the department of natural resources only for the
 13 following purposes:

14 (1) To reimburse claims made for expenditures to maintain a
 15 qualified historic hotel, as determined by the owner of the hotel
 16 riverboat resort.

17 (2) To reimburse claims made for expenditures to maintain:

18 (A) the grounds surrounding a qualified historic hotel;

19 (B) supporting buildings and structures related to a qualified
 20 historic hotel; and

21 (C) other facilities used by the guests of the qualified historic
 22 hotel;

23 as determined by the owner of the hotel riverboat resort.

24 (f) **Subject to subsections (g) and (h)**, the department of natural
 25 resources shall promptly pay each claim for a purpose described in
 26 subsection (e), ~~to the extent of the balance of interest available in the~~
 27 ~~fund~~, without review or approval of the project or claim under IC 14-21
 28 or IC 36-7-11. IC 14-21-1-18 does not apply to projects or claims paid
 29 for maintenance under this section. If insufficient money is available
 30 to fully pay all of the submitted claims, the department of natural
 31 resources shall pay the claims in the order in which they are received
 32 until each claim is fully paid.

33 **(g) For the state fiscal year beginning July 1, 2015, and ending**
 34 **June 30, 2016, the total money withdrawn from the fund to pay**
 35 **claims under subsection (f) may not exceed five percent (5%) of the**
 36 **amount of money in the fund on July 1, 2015.**

37 **(h) For each state fiscal year beginning after June 30, 2016, the**
 38 **following apply:**

39 **(1) The department of natural resources may not pay claims**
 40 **under subsection (f) in any fiscal year beginning after June 30,**
 41 **2016, until the fund has a balance of at least twenty million**
 42 **dollars (\$20,000,000) in that fiscal year.**



1 **(2) If the fund has a balance of at least twenty million dollars**
2 **(\$20,000,000) in a fiscal year, the total money withdrawn from**
3 **the fund to pay claims in that fiscal year may not exceed five**
4 **percent (5%) of the amount of money in the fund at the time**
5 **the balance is at least twenty million dollars (\$20,000,000.)**

6 ~~(g)~~ **(i)** Notwithstanding IC 4-9.1-1-7, IC 4-12-1-12, IC 4-13-2-18, or
7 any other law, interest accruing to the fund may not be withheld,
8 transferred, assigned, or reassigned to a purpose other than the
9 reimbursement of claims under subsection (f).

