



January 24, 2017

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## SENATE BILL No. 416

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DIGEST OF SB 416 (Updated January 23, 2017 11:12 am - DI 84)

**Citations Affected:** IC 4-4; IC 13-11; IC 13-18; IC 35-52.

**Synopsis:** Infrastructure assistance fund. Establishes the infrastructure assistance fund (fund) to provide grants, loans, and other financial assistance for the planning, designing, acquisition, construction, renovation, improvement, and expansion of public water systems. Requires the Indiana finance authority (IFA) to administer the fund and to establish criteria for the making of grants, loans, and other financial assistance from the fund. Authorizes the IFA to sell loans and other obligations from the fund and to deposit the proceeds of the sales in the fund or in certain other funds. Authorizes the IFA to pledge loans and other obligations from the fund to secure other loans or financial assistance from the fund or from certain other funds. Requires the public finance director to submit a report on the fund to the budget committee and the legislative council not later than August 1 of each even numbered year through 2020. Provides that a person who, with intent to defraud, knowingly or intentionally makes a material misstatement in connection with an application for a loan or other financial assistance from the fund commits a Level 6 felony.

**Effective:** July 1, 2017.

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## Charbonneau

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January 10, 2017, read first time and referred to Committee on Environmental Affairs.  
January 23, 2017, reported favorably — Do Pass; reassigned to Committee on Appropriations.

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SB 416—LS 7421/DI 55





January 24, 2017

First Regular Session 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

## SENATE BILL No. 416

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

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

1 SECTION 1. IC 4-4-10.9-1.2, AS AMENDED BY P.L.155-2015,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2017]: Sec. 1.2. "Affected statutes" means all statutes that  
4 grant a power to or impose a duty on the authority, including but not  
5 limited to IC 4-4-11, IC 4-4-11.4, IC 4-4-11.6, IC 4-4-21, IC 4-13.5,  
6 IC 5-1-16, IC 5-1-16.5, IC 5-1-17.5, IC 8-9.5, IC 8-14.5, IC 8-15,  
7 IC 8-15.5, IC 8-16, IC 13-18-13, IC 13-18-21, **IC 13-18-25**,  
8 IC 13-19-5, IC 14-14, and IC 14-28-5.

9 SECTION 2. IC 4-4-11-2, AS AMENDED BY P.L.233-2013,  
10 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2017]: Sec. 2. (a) The legislature makes the following findings  
12 of fact:

13 (1) That there currently exists in certain areas of the state critical  
14 conditions of unemployment, inadequate drinking water,  
15 inadequate wastewater and storm water management, or  
16 environmental pollution, including water pollution, air pollution,  
17 sewage and solid waste, radioactive waste, thermal pollution,

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- 1 radiation contamination, and noise pollution, and that these  
2 conditions may well exist, from time to time, in other areas of the  
3 state.
- 4 (2) That in some areas of the state such conditions are chronic and  
5 of long standing and that without remedial measures they may  
6 become so in other areas of the state.
- 7 (3) That economic insecurity due to unemployment, inadequate  
8 drinking water, inadequate wastewater and storm water  
9 management, or environmental pollution is a menace to the  
10 health, safety, morals, and general welfare of not only the people  
11 of the affected areas but of the people of the entire state.
- 12 (4) That involuntary unemployment and its resulting burden of  
13 indigency falls with crushing force upon the unemployed worker  
14 and ultimately upon the state in the form of public assistance and  
15 unemployment compensation.
- 16 (5) That security against unemployment and the resulting spread  
17 of indigency and economic stagnation in the areas affected can  
18 best be provided by:
- 19 (A) the promotion, attraction, stimulation, rehabilitation, and  
20 revitalization of industrial development projects, rural  
21 development projects, mining operations, and agricultural  
22 operations that involve the processing of agricultural products;  
23 (B) the promotion and stimulation of international exports; and  
24 (C) the education, both formal and informal, of people of all  
25 ages throughout the state by the promotion, attraction,  
26 construction, renovation, rehabilitation, and revitalization of  
27 and assistance to educational facility projects.
- 28 (6) That the present and prospective health, safety, morals, right  
29 to gainful employment, and general welfare of the people of the  
30 state require as a public purpose the provision of safe drinking  
31 water, the provision of wastewater and storm water management,  
32 the abatement or control of pollution, the promotion of increased  
33 educational enrichment (including cultural, intellectual, scientific,  
34 or artistic opportunities) for people of all ages through new,  
35 expanded, or revitalized educational facility projects or through  
36 assisting educational facility projects, and the promotion of  
37 employment creation or retention through development of new  
38 and expanded industrial development projects, rural development  
39 projects, mining operations, and agricultural operations that  
40 involve the processing of agricultural products.
- 41 (7) That there is a need to stimulate a larger flow of private  
42 investment funds from commercial banks, investment bankers,



- 1 insurance companies, other financial institutions, and individuals  
 2 into such industrial development projects, rural development  
 3 projects, mining operations, international exports, and agricultural  
 4 operations that involve the processing of agricultural products in  
 5 the state.
- 6 (8) That the authority can encourage the making of loans or leases  
 7 for creation or expansion of industrial development projects, rural  
 8 development projects, mining operations, international exports,  
 9 and agricultural operations that involve the processing of  
 10 agricultural products, thus putting a larger portion of the private  
 11 capital available in Indiana for investment to use in the general  
 12 economic development of the state.
- 13 (9) That the issuance of bonds of the authority to create a  
 14 financing pool for industrial development projects and carrying  
 15 out the purposes of IC 13-18-13 and IC 13-18-21 promoting a  
 16 substantial likelihood of opportunities for:
- 17 (A) gainful employment;
  - 18 (B) business opportunities;
  - 19 (C) educational enrichment (including cultural, intellectual,  
 20 scientific, or artistic opportunities);
  - 21 (D) the abatement, reduction, or prevention of pollution;
  - 22 (E) the provision of safe drinking water;
  - 23 (F) the provision of wastewater and storm water management;
  - 24 (G) the removal or treatment of any substances in materials  
 25 being processed that otherwise would cause pollution when  
 26 used; or
  - 27 (H) increased options for and availability of child care;
- 28 will improve the health, safety, morals, and general welfare of the  
 29 people of the state and constitutes a public purpose for which the  
 30 authority shall exist and operate.
- 31 (10) That the issuance of bonds of the authority to create a  
 32 funding source for the making of guaranteed participating loans  
 33 will promote and encourage an expanding international exports  
 34 market and international exports sales and will promote the  
 35 general welfare of all of the people of Indiana by assisting Indiana  
 36 businesses through stimulation of the expansion of international  
 37 exports sales for Indiana products and services, especially those  
 38 of small and medium-sized businesses, by providing financial  
 39 assistance through the authority.
- 40 (b) The Indiana finance authority shall exist and operate for the  
 41 public purposes of:
- 42 (1) promoting opportunities for gainful employment and business



1 opportunities by the promotion and development of industrial  
 2 development projects, rural development projects, mining  
 3 operations, international exports, and agricultural operations that  
 4 involve the processing of agricultural products, in any areas of the  
 5 state;

6 (2) promoting the educational enrichment (including cultural,  
 7 intellectual, scientific, or artistic opportunities) of all the people  
 8 of the state by the promotion, development, and assistance of  
 9 educational facility projects;

10 (3) promoting affordable farm credit and agricultural loan  
 11 financing at interest rates that are consistent with the needs of  
 12 borrowers for farming and agricultural enterprises;

13 (4) preventing and remediating environmental pollution,  
 14 including water pollution, air pollution, sewage and solid waste  
 15 disposal, radioactive waste, thermal pollution, radiation  
 16 contamination, and noise pollution affecting the health and  
 17 well-being of the people of the state by:

18 (A) the promotion and development of industrial development  
 19 projects; and

20 (B) carrying out the purposes of IC 13-18-13, ~~and~~ IC 13-18-21,  
 21 **and IC 13-18-25;**

22 (5) promoting the provision of safe and adequate drinking water,  
 23 **helping to upgrade deteriorating infrastructure,** and  
 24 **promoting** wastewater and storm water management to positively  
 25 affect the public health and well-being by carrying out the  
 26 purposes of IC 13-18-13, ~~and~~ IC 13-18-21, **and IC 13-18-25;**

27 (6) otherwise positively affecting the public health and well-being  
 28 by carrying out the purposes of IC 13-18-13, ~~and~~ IC 13-18-21,  
 29 **and IC 13-18-25;**

30 (7) promoting affordable and accessible child care for the people  
 31 of the state by the promotion and development of child care  
 32 facilities; and

33 (8) carrying out the purposes of IC 5-1-17.5 concerning a  
 34 motorsports investment district.

35 SECTION 3. IC 4-4-11-15, AS AMENDED BY P.L.98-2008,  
 36 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2017]: Sec. 15. (a) The authority is granted all powers  
 38 necessary or appropriate to carry out and effectuate its public and  
 39 corporate purposes under the affected statutes, including but not  
 40 limited to the following:

41 (1) Have perpetual succession as a body politic and corporate and  
 42 an independent instrumentality exercising essential public



- 1 functions.
- 2 (2) Without complying with IC 4-22-2, adopt, amend, and repeal
- 3 bylaws, rules, guidelines, and policies not inconsistent with the
- 4 affected statutes, and necessary or convenient to regulate its
- 5 affairs and to carry into effect the powers, duties, and purposes of
- 6 the authority and conduct its business under the affected statutes.
- 7 These bylaws, rules, guidelines, and policies must be made by a
- 8 resolution of the authority introduced at one (1) meeting and
- 9 approved at a subsequent meeting of the authority.
- 10 (3) Sue and be sued in its own name.
- 11 (4) Have an official seal and alter it at will.
- 12 (5) Maintain an office or offices at a place or places within the
- 13 state as it may designate.
- 14 (6) Make, execute, and enforce contracts and all other instruments
- 15 necessary, convenient, or desirable for the purposes of the
- 16 authority or pertaining to:
- 17 (A) a purchase, acquisition, or sale of securities or other
- 18 investments; or
- 19 (B) the performance of the authority's duties and execution of
- 20 any of the authority's powers under the affected statutes.
- 21 (7) Employ architects, engineers, attorneys, inspectors,
- 22 accountants, agriculture experts, silviculture experts, aquaculture
- 23 experts, and financial experts, and such other advisors,
- 24 consultants, and agents as may be necessary in its judgment and
- 25 to fix their compensation.
- 26 (8) Procure insurance against any loss in connection with its
- 27 property and other assets, including loans and loan notes in
- 28 amounts and from insurers as it may consider advisable.
- 29 (9) Borrow money, make guaranties, issue bonds, and otherwise
- 30 incur indebtedness for any of the authority's purposes, and issue
- 31 debentures, notes, or other evidences of indebtedness, whether
- 32 secured or unsecured, to any person, as provided by the affected
- 33 statutes. Notwithstanding any other law, the:
- 34 (A) issuance by the authority of any indebtedness that
- 35 establishes a procedure for the authority or a person acting on
- 36 behalf of the authority to certify to the general assembly the
- 37 amount needed to restore a debt service reserve fund or
- 38 another fund to required levels; or
- 39 (B) execution by the authority of any other agreement that
- 40 creates a moral obligation of the state to pay all or part of any
- 41 indebtedness issued by the authority;
- 42 is subject to review by the budget committee and approval by the



- 1 budget director.
- 2 (10) Procure insurance or guaranties from any public or private
- 3 entities, including any department, agency, or instrumentality of
- 4 the United States, for payment of any bonds issued by the
- 5 authority, including the power to pay premiums on any insurance
- 6 or reinsurance.
- 7 (11) Purchase, receive, take by grant, gift, devise, bequest, or
- 8 otherwise, and accept, from any source, aid or contributions of
- 9 money, property, labor, or other things of value to be held, used,
- 10 and applied to carry out the purposes of the affected statutes,
- 11 subject to the conditions upon which the grants or contributions
- 12 are made, including but not limited to gifts or grants from any
- 13 department, agency, or instrumentality of the United States, and
- 14 lease or otherwise acquire, own, hold, improve, employ, use, and
- 15 otherwise deal in and with real or personal property or any
- 16 interest in real or personal property, wherever situated, for any
- 17 purpose consistent with the affected statutes.
- 18 (12) Enter into agreements with any department, agency, or
- 19 instrumentality of the United States or this state and with lenders
- 20 and enter into loan agreements, sales contracts, and leases with
- 21 contracting parties, including participants (as defined in
- 22 IC 13-11-2-151.1) for any purpose permitted under IC 13-18-13,
- 23 ~~or~~ IC 13-18-21, **or IC 13-18-25**, borrowers, lenders, developers,
- 24 or users, for the purpose of planning, regulating, and providing for
- 25 the financing and refinancing of any agricultural enterprise (as
- 26 defined in IC 5-28-31-1), rural development project (as defined
- 27 in IC 5-28-31-20), industrial development project, purpose
- 28 permitted under IC 13-18-13, ~~and~~ IC 13-18-21, **and IC 13-18-25**,
- 29 or international exports, and distribute data and information
- 30 concerning the encouragement and improvement of agricultural
- 31 enterprises and agricultural employment, rural development
- 32 projects, industrial development projects, international exports,
- 33 and other types of employment in the state undertaken with the
- 34 assistance of the authority under this chapter.
- 35 (13) Enter into contracts or agreements with lenders and lessors
- 36 for the servicing and processing of loans and leases pursuant to
- 37 the affected statutes.
- 38 (14) Provide technical assistance to local public bodies and to
- 39 profit and nonprofit entities in the development or operation of
- 40 agricultural enterprises, rural development projects, and industrial
- 41 development projects.
- 42 (15) To the extent permitted under its contract with the holders of





- 1 the bonds of the authority, consent to any modification with  
 2 respect to the rate of interest, time, and payment of any  
 3 installment of principal or interest, or any other term of any  
 4 contract, loan, loan note, loan note commitment, contract, lease,  
 5 or agreement of any kind to which the authority is a party.  
 6 (16) To the extent permitted under its contract with the holders of  
 7 bonds of the authority, enter into contracts with any lender  
 8 containing provisions enabling it to reduce the rental or carrying  
 9 charges to persons unable to pay the regular schedule of charges  
 10 when, by reason of other income or payment by any department,  
 11 agency, or instrumentality of the United States of America or of  
 12 this state, the reduction can be made without jeopardizing the  
 13 economic stability of the agricultural enterprise, rural  
 14 development project, or industrial development project being  
 15 financed.  
 16 (17) Notwithstanding IC 5-13, but subject to the requirements of  
 17 any trust agreement entered into by the authority, invest:  
 18 (A) the authority's money, funds, and accounts;  
 19 (B) any money, funds, and accounts in the authority's custody;  
 20 and  
 21 (C) proceeds of bonds or notes;  
 22 in the manner provided by an investment policy established by  
 23 resolution of the authority.  
 24 (18) Fix and revise periodically, and charge and collect, fees and  
 25 charges as the authority determines to be reasonable in connection  
 26 with:  
 27 (A) the authority's loans, guarantees, advances, insurance,  
 28 commitments, and servicing; and  
 29 (B) the use of the authority's services or facilities.  
 30 (19) Cooperate and exchange services, personnel, and information  
 31 with any federal, state, or local government agency, or  
 32 instrumentality of the United States or this state.  
 33 (20) Sell, at public or private sale, with or without public bidding,  
 34 any loan or other obligation held by the authority.  
 35 (21) Enter into agreements concerning, and acquire, hold, and  
 36 dispose by any lawful means, land or interests in land, building  
 37 improvements, structures, personal property, franchises, patents,  
 38 accounts receivable, loans, assignments, guarantees, and  
 39 insurance needed for the purposes of the affected statutes.  
 40 (22) Take assignments of accounts receivable, loans, guarantees,  
 41 insurance, notes, mortgages, security agreements securing notes,  
 42 and other forms of security, attach, seize, or take title by



- 1 foreclosure or conveyance to any industrial development project  
 2 when a guaranteed loan thereon is clearly in default and when in  
 3 the opinion of the authority such acquisition is necessary to  
 4 safeguard the industrial development project guaranty fund, and  
 5 sell, or on a temporary basis, lease or rent such industrial  
 6 development project for any use.
- 7 (23) Expend money provided to the authority by the Indiana  
 8 economic development corporation from the industrial  
 9 development project guaranty fund created by IC 5-28-30, subject  
 10 to the terms of any agreement with the Indiana economic  
 11 development corporation governing the expenditure of that  
 12 money.
- 13 (24) Purchase, lease as lessee, construct, remodel, rebuild,  
 14 enlarge, or substantially improve industrial development projects,  
 15 including land, machinery, equipment, or any combination  
 16 thereof.
- 17 (25) Lease industrial development projects to users or developers,  
 18 with or without an option to purchase.
- 19 (26) Sell industrial development projects to users or developers,  
 20 for consideration to be paid in installments or otherwise.
- 21 (27) Make direct loans from the proceeds of the bonds to users or  
 22 developers for:
- 23 (A) the cost of acquisition, construction, or installation of  
 24 industrial development projects, including land, machinery,  
 25 equipment, or any combination thereof; or
- 26 (B) eligible expenditures for an educational facility project  
 27 described in IC 4-4-10.9-6.2(a)(2);
- 28 with the loans to be secured by the pledge of one (1) or more  
 29 bonds, notes, warrants, or other secured or unsecured debt  
 30 obligations of the users or developers.
- 31 (28) Lend or deposit the proceeds of bonds to or with a lender for  
 32 the purpose of furnishing funds to such lender to be used for  
 33 making a loan to a developer or user for the financing of industrial  
 34 development projects under this chapter.
- 35 (29) Enter into agreements with users or developers to allow the  
 36 users or developers, directly or as agents for the authority, to  
 37 wholly or partially construct industrial development projects to be  
 38 leased from or to be acquired by the authority.
- 39 (30) Establish reserves from the proceeds of the sale of bonds,  
 40 other funds, or both, in the amount determined to be necessary by  
 41 the authority to secure the payment of the principal and interest on  
 42 the bonds.



- 1 (31) Adopt rules and guidelines governing its activities authorized  
2 under the affected statutes.
- 3 (32) Use the proceeds of bonds to make guaranteed participating  
4 loans.
- 5 (33) Purchase, discount, sell, and negotiate, with or without  
6 guaranty, notes and other evidences of indebtedness.
- 7 (34) Sell and guarantee securities.
- 8 (35) Make guaranteed participating loans under IC 4-4-21-26.
- 9 (36) Procure insurance to guarantee, insure, coinsure, and  
10 reinsure against political and commercial risk of loss, and any  
11 other insurance the authority considers necessary, including  
12 insurance to secure the payment of principal and interest on notes  
13 or other obligations of the authority.
- 14 (37) Provide performance bond guarantees to support eligible  
15 export loan transactions, subject to the terms of the affected  
16 statutes.
- 17 (38) Provide financial counseling services to Indiana exporters.
- 18 (39) Accept gifts, grants, or loans from, and enter into contracts  
19 or other transactions with, any federal or state agency,  
20 municipality, private organization, or other source.
- 21 (40) Sell, convey, lease, exchange, transfer, or otherwise dispose  
22 of property or any interest in property, wherever the property is  
23 located.
- 24 (41) Cooperate with other public and private organizations to  
25 promote export trade activities in Indiana.
- 26 (42) Cooperate with the Indiana economic development  
27 corporation in taking any actions necessary for the administration  
28 of the agricultural loan and rural development project guarantee  
29 fund established by IC 5-28-31.
- 30 (43) In cooperation with the Indiana economic development  
31 corporation, take assignments of notes and mortgages and security  
32 agreements securing notes and other forms of security, and attach,  
33 seize, or take title by foreclosure or conveyance to any  
34 agricultural enterprise or rural development project when a  
35 guaranteed loan to the enterprise or rural development project is  
36 clearly in default and when in the opinion of the Indiana  
37 economic development corporation the acquisition is necessary to  
38 safeguard the agricultural loan and rural development project  
39 guarantee fund, and sell, or on a temporary basis, lease or rent the  
40 agricultural enterprise or rural development project for any use.
- 41 (44) Expend money provided to the authority by the Indiana  
42 economic development corporation from the agricultural loan and



1 rural development project guarantee fund created by IC 5-28-31,  
 2 subject to the terms of any agreement with the Indiana economic  
 3 development corporation governing the expenditure of that  
 4 money.

5 (45) Reimburse from bond proceeds expenditures for industrial  
 6 development projects under this chapter.

7 (46) Acquire, hold, use, and dispose of the authority's income,  
 8 revenues, funds, and money.

9 (47) Purchase, acquire, or hold debt securities or other  
 10 investments for the authority's own account at prices and in a  
 11 manner the authority considers advisable, and sell or otherwise  
 12 dispose of those securities or investments at prices without  
 13 relation to cost and in a manner the authority considers advisable.

14 (48) Fix and establish terms and provisions with respect to:

15 (A) a purchase of securities by the authority, including dates  
 16 and maturities of the securities;

17 (B) redemption or payment before maturity; and

18 (C) any other matters that in connection with the purchase are  
 19 necessary, desirable, or advisable in the judgment of the  
 20 authority.

21 (49) To the extent permitted under the authority's contracts with  
 22 the holders of bonds or notes, amend, modify, and supplement any  
 23 provision or term of:

24 (A) a bond, a note, or any other obligation of the authority; or

25 (B) any agreement or contract of any kind to which the  
 26 authority is a party.

27 (50) Subject to the authority's investment policy, do any act and  
 28 enter into any agreement pertaining to a swap agreement (as  
 29 defined in IC 8-9.5-9-4) related to the purposes of the affected  
 30 statutes in accordance with IC 8-9.5-9-5 and IC 8-9.5-9-7,  
 31 whether the action is incidental to the issuance, carrying, or  
 32 securing of bonds or otherwise.

33 (51) Do any act necessary or convenient to the exercise of the  
 34 powers granted by the affected statutes, or reasonably implied  
 35 from those statutes, including but not limited to compliance with  
 36 requirements of federal law imposed from time to time for the  
 37 issuance of bonds.

38 (b) The authority's powers under this chapter shall be interpreted  
 39 broadly to effectuate the purposes of this chapter and may not be  
 40 construed as a limitation of powers. The omission of a power from the  
 41 list in subsection (a) does not imply that the authority lacks that power.  
 42 The authority may exercise any power that is not listed in subsection



1 (a) but is consistent with the powers listed in subsection (a) to the  
 2 extent that the power is not expressly denied by the Constitution of the  
 3 State of Indiana or by another statute.

4 (c) This chapter does not authorize the financing of industrial  
 5 development projects for a developer unless any written agreement that  
 6 may exist between the developer and the user at the time of the bond  
 7 resolution is fully disclosed to and approved by the authority.

8 (d) The authority shall work with and assist the Indiana housing and  
 9 community development authority established by IC 5-20-1-3, the ports  
 10 of Indiana established under IC 8-10-1-3, and the state fair commission  
 11 established by IC 15-13-2-1 in the issuance of bonds, notes, or other  
 12 indebtedness. The Indiana housing and community development  
 13 authority, the ports of Indiana, and the state fair commission shall work  
 14 with and cooperate with the authority in connection with the issuance  
 15 of bonds, notes, or other indebtedness.

16 SECTION 4. IC 4-4-11-15.4, AS ADDED BY P.L.235-2005,  
 17 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2017]: Sec. 15.4. (a) The authority may issue bonds or notes  
 19 and invest or loan the proceeds of those bonds or notes to a participant  
 20 (as defined in IC 13-11-2-151.1) for the purposes of:

21 (1) the wastewater revolving loan program established by  
 22 IC 13-18-13-1; ~~and~~

23 (2) the drinking water revolving loan program established by  
 24 IC 13-18-21-1;

25 **(3) the supplemental drinking water and wastewater**  
 26 **assistance program established by IC 13-18-21-21; and**

27 **(4) the infrastructure assistance program established by**  
 28 **IC 13-18-25-1.**

29 (b) If the authority loans money to or purchases debt securities of a  
 30 political subdivision (as defined in IC 13-11-2-164(a) and  
 31 IC 13-11-2-164(b)), the authority may, by the resolution approving the  
 32 bonds or notes, provide that subsection (c) is applicable to the political  
 33 subdivision.

34 (c) Notwithstanding any other law, to the extent that any department  
 35 or agency of the state, including the treasurer of state, is the custodian  
 36 of money payable to the political subdivision (other than for goods or  
 37 services provided by the political subdivision), at any time after written  
 38 notice to the department or agency head from the authority that the  
 39 political subdivision is in default on the payment of principal or interest  
 40 on the obligations then held or owned by or arising from an agreement  
 41 with the authority, the department or agency shall withhold the  
 42 payment of that money from that political subdivision and pay over the



1 money to the authority for the purpose of paying principal of and  
 2 interest on bonds or notes of the authority. However, the withholding  
 3 of payment from the political subdivision and payment to the authority  
 4 under this section must not adversely affect the validity of the  
 5 obligation in default.

6 SECTION 5. IC 4-4-11-40, AS AMENDED BY P.L.235-2005,  
 7 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2017]: Sec. 40. Except as provided in IC 13-18-13, ~~or~~  
 9 IC 13-18-21, **or IC 13-18-25**, all income and assets of the authority are  
 10 for its own use without appropriation, but shall revert to the state  
 11 general fund if the authority by resolution transfers money to the state  
 12 general fund or if the authority is dissolved.

13 SECTION 6. IC 4-4-11-44.6, AS ADDED BY P.L.235-2005,  
 14 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2017]: Sec. 44.6. (a) For purposes of this section, "program"  
 16 refers to:

17 (1) a program defined in IC 13-11-2-172(a) through  
 18 IC 13-11-2-172(b); ~~and~~

19 (2) the supplemental drinking water and wastewater assistance  
 20 program established by IC 13-18-21-21; ~~or~~

21 **(3) the infrastructure assistance program established by**  
 22 **IC 13-18-25-1.**

23 (b) Notwithstanding any statute applicable to or constituting any  
 24 limitation on the investment or reinvestment of funds by or on behalf  
 25 of political subdivisions:

26 (1) a participant receiving financial assistance in connection with  
 27 a program may invest and reinvest funds that constitute, replace,  
 28 or substitute for the proceeds of bonds or other evidence of  
 29 indebtedness sold to the authority under the program, together  
 30 with any account or reserves of a participant not funded with the  
 31 proceeds of the bonds or other evidence of indebtedness  
 32 purchased by the authority but which secure or provide payment  
 33 for those bonds or other evidence of indebtedness, in any  
 34 instrument or other investment authorized under a resolution of  
 35 the authority; and

36 (2) a participant that is obligated to make payments on bonds or  
 37 other evidence of indebtedness purchased in connection with the  
 38 operation of a program may invest and reinvest funds that  
 39 constitute, replace, or substitute for the proceeds of those bonds  
 40 or other evidence of indebtedness, together with any account or  
 41 reserves of a participant not funded with the proceeds of the  
 42 bonds or other evidence of indebtedness purchased under the



1 program but which secure or provide payment for those bonds or  
 2 other evidence of indebtedness, in any instrument or other  
 3 investment authorized under a resolution of the authority.

4 SECTION 7. IC 13-11-2-16, AS AMENDED BY P.L.235-2005,  
 5 SECTION 126, IS AMENDED TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2017]: Sec. 16. (a) "Authority", for purposes of  
 7 IC 13-22-10, refers to the Indiana hazardous waste facility site approval  
 8 authority.

9 (b) "Authority", for purposes of IC 13-18-13, IC 13-18-21,  
 10 **IC 13-18-25**, and IC 13-19-5, refers to the Indiana finance authority  
 11 created under IC 4-4-11.

12 SECTION 8. IC 13-11-2-29 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 29. "Clean Water Act",  
 14 for purposes of this chapter, IC 13-18-13, IC 13-18-22, **and**  
 15 IC 13-18-23, **and IC 13-18-25**, refers to:

- 16 (1) 33 U.S.C. 1251 et seq.; and
- 17 (2) regulations adopted under 33 U.S.C. 1251 et seq.

18 SECTION 9. IC 13-11-2-83, AS AMENDED BY P.L.235-2005,  
 19 SECTION 127, IS AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2017]: Sec. 83. (a) "Financial assistance  
 21 agreement", for purposes of IC 13-18-13, refers to an agreement  
 22 between:

- 23 (1) the Indiana finance authority; and
- 24 (2) a participant under IC 13-18-13;

25 establishing the terms and conditions of a loan or other financial  
 26 assistance, including forgiveness of principal if allowed under federal  
 27 law, by the state to the participant under that chapter.

28 (b) "Financial assistance agreement", for purposes of IC 13-19-5,  
 29 means an agreement between the authority and a political subdivision  
 30 that:

- 31 (1) is approved by the budget agency; and
- 32 (2) establishes the terms and conditions of a loan or other  
 33 financial assistance by the state to the political subdivision.

34 (c) "Financial assistance agreement", for purposes of IC 13-18-21,  
 35 refers to an agreement between:

- 36 (1) the Indiana finance authority; and
- 37 (2) a participant under IC 13-18-21;

38 establishing the terms and conditions of a loan or other financial  
 39 assistance, including forgiveness of principal if allowed under federal  
 40 law, by the state to the participant under IC 13-18-21.

41 (d) **"Financial assistance agreement", for purposes of**  
 42 **IC 13-18-25, refers to an agreement between:**



1           **(1) the Indiana finance authority; and**  
 2           **(2) a participant under IC 13-18-25;**  
 3           **establishing the terms and conditions of a loan or other financial**  
 4           **assistance, including forgiveness of principal.**

5           SECTION 10. IC 13-11-2-87, AS AMENDED BY P.L.96-2016,  
 6           SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7           JULY 1, 2017]: Sec. 87. (a) "Fund", for purposes of IC 13-14-12, refers  
 8           to the environmental management special fund.

9           (b) "Fund", for purposes of IC 13-15-10, refers to the waste facility  
 10          operator trust fund.

11          (c) "Fund", for purposes of IC 13-15-11, refers to the environmental  
 12          management permit operation fund.

13          (d) "Fund", for purposes of IC 13-17-6, refers to the asbestos trust  
 14          fund.

15          (e) "Fund", for purposes of IC 13-17-8, refers to the Title V  
 16          operating permit program trust fund.

17          (f) "Fund", for purposes of IC 13-18-8-5, refers to a sanitary fund.

18          (g) "Fund", for purposes of IC 13-18-13, refers to the wastewater  
 19          revolving loan fund established by IC 13-18-13-2.

20          (h) "Fund", for purposes of IC 13-18-21, refers to the drinking water  
 21          revolving loan fund established by IC 13-18-21-2. The term does not  
 22          include the supplemental fund established by IC 13-18-21-22.

23          **(i) "Fund", for purposes of IC 13-18-25, refers to the**  
 24          **infrastructure assistance fund established by IC 13-18-25-2.**

25          ~~(j)~~ **(j)** "Fund", for purposes of IC 13-19-5, refers to the  
 26          environmental remediation revolving loan fund established by  
 27          IC 13-19-5-2.

28          ~~(k)~~ **(k)** "Fund", for purposes of IC 13-20-4, refers to the municipal  
 29          waste transportation fund.

30          ~~(l)~~ **(l)** "Fund", for purposes of IC 13-20-13, refers to the waste tire  
 31          management fund.

32          ~~(m)~~ **(m)** "Fund", for purposes of IC 13-20-22, refers to the state solid  
 33          waste management fund.

34          ~~(n)~~ **(n)** "Fund", for purposes of IC 13-21-7, refers to the waste  
 35          management district bond fund.

36          ~~(o)~~ **(o)** "Fund", for purposes of IC 13-21-13-2, refers to a district  
 37          solid waste management fund.

38          ~~(p)~~ **(p)** "Fund", for purposes of IC 13-23-6, refers to the  
 39          underground petroleum storage tank trust fund.

40          ~~(q)~~ **(q)** "Fund", for purposes of IC 13-23-7 and IC 13-23-8, refers to  
 41          the underground petroleum storage tank excess liability trust fund (or  
 42          ELTF).





1           ~~(r)~~ **(r)** "Fund", for purposes of IC 13-25-4, refers to the hazardous  
2 substances response trust fund.

3           ~~(s)~~ **(s)** "Fund", for purposes of IC 13-25-5, refers to the voluntary  
4 remediation fund.

5           ~~(t)~~ **(t)** "Fund", for purposes of IC 13-28-2, refers to the voluntary  
6 compliance fund.

7           SECTION 11. IC 13-11-2-151.1, AS AMENDED BY P.L.235-2005,  
8 SECTION 128, IS AMENDED TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2017]: Sec. 151.1. "Participant" means the  
10 following:

11           (1) For purposes of IC 13-18-13:

12               (A) a political subdivision; or

13               (B) any person, entity, association, trust, or other manner of  
14 participant permitted by law to enter contractual arrangements  
15 for a purpose eligible for assistance under the Clean Water  
16 Act.

17           (2) For purposes of the drinking water revolving loan program  
18 under IC 13-18-21:

19               (A) a political subdivision; or

20               (B) any person, entity, association, trust, or other manner of  
21 participant permitted by law to enter contractual arrangements  
22 for a purpose eligible for assistance under the Safe Drinking  
23 Water Act.

24           (3) For purposes of the supplemental drinking water and  
25 wastewater assistance program under IC 13-18-21-21 through  
26 IC 13-18-21-29:

27               (A) a political subdivision; or

28               (B) any person, entity, association, trust, or other manner of  
29 participant permitted by law to enter contractual arrangements  
30 for a purpose eligible for assistance under IC 13-18-21-21  
31 through IC 13-18-21-29.

32           **(4) For purposes of the infrastructure assistance program  
33 under IC 13-18-25:**

34               **(A) a political subdivision; or**

35               **(B) any person, entity, association, trust, or other manner  
36 of participant permitted by law to enter into contractual  
37 arrangements for assistance under IC 13-18-25.**

38           SECTION 12. IC 13-11-2-164 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 164. (a) "Political  
40 subdivision", for purposes of IC 13-18-13, means:

41               (1) a political subdivision (as defined in IC 36-1-2);

42               (2) a regional water, sewage, or solid waste district organized



- 1 under:
- 2 (A) IC 13-26; or
- 3 (B) IC 13-3-2 (before its repeal July 1, 1996); or
- 4 (3) a local public improvement bond bank organized under
- 5 IC 5-1.4.
- 6 (b) "Political subdivision", for purposes of IC 13-18-21 **and**
- 7 **IC 13-18-25**, means:
- 8 (1) a political subdivision (as defined in IC 36-1-2);
- 9 (2) a regional water, sewage, or solid waste district organized
- 10 under:
- 11 (A) IC 13-26; or
- 12 (B) IC 13-3-2 (before its repeal July 1, 1996);
- 13 (3) a local public improvement bond bank organized under
- 14 IC 5-1.4;
- 15 (4) a qualified entity described in IC 5-1.5-1-8(4) that is a public
- 16 water utility described in IC 8-1-2-125; or
- 17 (5) a conservancy district established for the purpose set forth in
- 18 IC 14-33-1-1(a)(4).
- 19 (c) "Political subdivision", for purposes of IC 13-19-5, has the
- 20 meaning set forth in IC 36-1-2-13 and includes a redevelopment district
- 21 under IC 36-7-14 or IC 36-7-15.1.
- 22 SECTION 13. IC 13-11-2-172 IS AMENDED TO READ AS
- 23 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 172. (a) "Program", for
- 24 purposes of IC 13-18-13, refers to the wastewater revolving loan
- 25 program established by IC 13-18-13-1.
- 26 (b) "Program", for purposes of IC 13-18-21, refers to the drinking
- 27 water revolving loan program established by IC 13-18-21-1. The term
- 28 does not include the supplemental program.
- 29 (c) **"Program", for purposes of IC 13-18-25, refers to the**
- 30 **infrastructure assistance program established by IC 13-18-25-1.**
- 31 ~~(c)~~ (d) "Program", for purposes of IC 13-19-5, refers to the
- 32 environmental remediation revolving loan program established by
- 33 IC 13-19-5-1.
- 34 ~~(d)~~ (e) "Program", for purposes of IC 13-23, refers to an
- 35 underground storage tank release:
- 36 (1) detection;
- 37 (2) prevention; and
- 38 (3) correction;
- 39 program created in accordance with the requirements of IC 13-23 or
- 40 IC 13-7-20 (before its repeal).
- 41 SECTION 14. IC 13-11-2-177.3, AS AMENDED BY P.L. 112-2015,
- 42 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2017]: Sec. 177.3. "Public water system", for purposes of this  
 2 chapter, IC 13-18-5.5, IC 13-18-11, IC 13-18-16, IC 13-18-20.5,  
 3 IC 13-18-21, **IC 13-18-25**, and other environmental management laws,  
 4 has the meaning set forth in 42 U.S.C. 300f.

5 SECTION 15. IC 13-11-2-195.5, AS ADDED BY P.L.235-2005,  
 6 SECTION 129, IS AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2017]: Sec. 195.5. "Safe Drinking Water Act",  
 8 for purposes of this chapter, ~~and~~ IC 13-18-21, **and IC 13-18-25**, refers  
 9 to:

10 (1) 42 U.S.C. 300f et seq.; and

11 (2) regulations adopted under 42 U.S.C. 300f et seq.

12 SECTION 16. IC 13-11-2-223.5 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 223.5. "Storm water  
 14 management program", for purposes of IC 13-18-21 **and IC 13-18-25**,  
 15 means a program that is consistent with the requirements in:

16 (1) 40 CFR 122.26(d)(2)(iv) for a proposed management  
 17 program; or

18 (2) 40 CFR 122.34 for a storm water management program.

19 SECTION 17. IC 13-18-25 IS ADDED TO THE INDIANA CODE  
 20 AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2017]:

22 **Chapter 25. Infrastructure Assistance Program**

23 **Sec. 1. The infrastructure assistance program is established.**

24 **Sec. 2. (a) The infrastructure assistance fund is established as a**  
 25 **source of money for grants, loans, and other financial assistance to,**  
 26 **or for the benefit of, participants in the program.**

27 **(b) The fund shall be administered, held, and managed by the**  
 28 **authority.**

29 **(c) The authority shall invest or cause to be invested all or a part**  
 30 **of the fund, pursuant to the authority's investment policy, in a**  
 31 **fiduciary account or accounts with a trustee that is a financial**  
 32 **institution. Notwithstanding any other law, any investment under**  
 33 **this subsection may be made by the trustee in accordance with one**  
 34 **(1) or more trust agreements or indentures. A trust agreement or**  
 35 **indenture referred to in this subsection may permit disbursements**  
 36 **by the trustee to the authority, the department, the budget agency,**  
 37 **a participant, or any other person as provided in the trust**  
 38 **agreement or indenture.**

39 **(d) The fund consists of the following:**

40 **(1) Fees and other amounts received by the state, paid by the**  
 41 **treasurer of state to the authority upon warrants issued by the**  
 42 **auditor of state, and deposited in the fund.**



- 1           **(2) Appropriations to the fund from the general assembly.**
- 2           **(3) Grants and gifts of money to the fund.**
- 3           **(4) Proceeds of the sale of:**
- 4               **(A) gifts to the fund; and**
- 5               **(B) loans, evidences of other financial assistance, and other**
- 6               **obligations evidencing the loans or other financial**
- 7               **assistance, as provided in sections 5 through 9 of this**
- 8               **chapter.**
- 9           **(5) Repayments of loans and other financial assistance from**
- 10           **the fund, including interest, premiums, and penalties.**
- 11           **(e) Fees and other amounts received by the state pursuant to law**
- 12           **concerning the funding of the infrastructure assistance fund shall**
- 13           **be paid monthly by the treasurer of state to the authority upon**
- 14           **warrants issued by the auditor of state and deposited in the fund.**
- 15           **(f) The expenses of administering the fund shall be paid from**
- 16           **money in the fund.**
- 17           **(g) Money in the fund at the end of a state fiscal year does not**
- 18           **revert to the state general fund.**
- 19           **Sec. 3. Money in the infrastructure assistance fund may be used**
- 20           **to do the following:**
- 21               **(1) Provide grants, loans, and other financial assistance to or**
- 22               **for the benefit of participants for:**
- 23                   **(A) the planning, designing, acquisition, construction,**
- 24                   **renovation, improvement, or expansion of public water**
- 25                   **systems; and**
- 26                   **(B) other activities necessary or convenient to complete the**
- 27                   **tasks referred to in clause (A) whether or not the other**
- 28                   **activities are permitted by the Clean Water Act or the Safe**
- 29                   **Drinking Water Act.**
- 30               **(2) Provide grants, loans, or other financial assistance to or**
- 31               **for the benefit of participants for:**
- 32                   **(A) the planning, designing, acquisition, construction,**
- 33                   **renovation, improvement, or expansion of wastewater or**
- 34                   **storm water collection and treatment systems; and**
- 35                   **(B) other activities necessary or convenient to complete the**
- 36                   **tasks referred to in clause (A) whether or not the other**
- 37                   **activities are permitted by the Clean Water Act or the Safe**
- 38                   **Drinking Water Act.**
- 39               **(3) Provide grants to political subdivisions for tasks associated**
- 40               **with the development and preparation of:**
- 41                   **(A) long term control plans;**
- 42                   **(B) use attainability analyses; and**



- 1           (C) storm water management programs.
- 2           (4) Undertake tasks associated with the development and
- 3           preparation of water, wastewater, and storm water
- 4           infrastructure and resource analyses.
- 5           (5) Conduct all other activities that are permitted by the
- 6           Clean Water Act or the Safe Drinking Water Act.
- 7           Sec. 4. The authority shall adopt guidelines under
- 8           IC 4-4-11-15(a)(2) to establish criteria for the making of grants,
- 9           loans, and other financial assistance from the infrastructure
- 10          assistance fund.
- 11          Sec. 5. (a) The making of grants and loans and the providing of
- 12          other financial assistance from the infrastructure assistance fund
- 13          to or for the benefit of participants under this chapter are subject
- 14          to the following conditions:
- 15               (1) A grant, loan, or other financial assistance may be used:
- 16                   (A) for:
- 17                       (i) the planning, designing, acquiring, constructing,
- 18                       renovating, improving, or expanding of public water
- 19                       systems; and
- 20                       (ii) other activities necessary or convenient to the
- 21                       completion of the tasks referred to in item (i);
- 22                   (B) to:
- 23                       (i) establish guaranties, reserves, or sinking funds,
- 24                       including guaranties, reserves, or sinking funds to secure
- 25                       and pay, in whole or in part, loans or other financial
- 26                       assistance made from sources other than the fund
- 27                       (including financial institutions), for a purpose permitted
- 28                       by clause (A); or
- 29                       (ii) provide interest subsidies;
- 30                   (C) to pay financing charges, including interest on the loan
- 31                   during construction and for a reasonable period after the
- 32                   completion of construction; or
- 33                   (D) to pay the following:
- 34                       (i) Consultant, advisory, and legal fees.
- 35                       (ii) Other costs or expenses necessary or incident to the
- 36                       making of grants, loans, or other financial assistance or
- 37                       the administration of the fund or the program.
- 38               (2) A grant may be used for tasks associated with the
- 39               development and preparation of water infrastructure and
- 40               resource analyses.
- 41               (3) The authority must establish the terms and conditions that
- 42               the authority considers necessary or convenient to the making



- 1 of grants or loans or providing of other financial assistance  
 2 under this chapter.
- 3 (b) In addition to exercising its powers under subsection (a), the  
 4 authority may also make grants or loans or provide other financial  
 5 assistance from the fund to or for the benefit of a participant under  
 6 the following conditions:
- 7 (1) A grant, loan, or other financial assistance may be used:  
 8 (A) for planning, designing, acquiring, constructing,  
 9 renovating, improving, or expanding wastewater or storm  
 10 water collection and treatment systems, and other  
 11 activities necessary or convenient to the completion of  
 12 these tasks;  
 13 (B) to:  
 14 (i) establish guaranties, reserves, or sinking funds,  
 15 including guaranties, reserves, or sinking funds to secure  
 16 and pay, in whole or in part, loans or other financial  
 17 assistance made from sources other than the  
 18 infrastructure assistance fund (including financial  
 19 institutions), for a purpose permitted by clause (A); or  
 20 (ii) provide interest subsidies;  
 21 (C) to pay financing charges, including interest on the loan  
 22 during construction and for a reasonable period after the  
 23 completion of construction; or  
 24 (D) to pay:  
 25 (i) consultant, advisory, and legal fees; and  
 26 (ii) other costs or expenses necessary or incident to the  
 27 grant, loan, or other financial assistance or the  
 28 administration of the infrastructure assistance fund or  
 29 the infrastructure program.
- 30 (2) A grant may be used for tasks associated with the  
 31 development and preparation of:  
 32 (A) long term control plans;  
 33 (B) use attainability analyses;  
 34 (C) storm water management programs; or  
 35 (D) other wastewater or storm water infrastructure and  
 36 resource analyses.
- 37 (3) The authority must establish the terms and conditions that  
 38 the authority considers necessary or convenient to the making  
 39 of grants or loans or providing of other financial assistance  
 40 under this chapter.
- 41 Sec. 6. (a) An application for a grant, loan, or other financial  
 42 assistance from the infrastructure assistance fund must be



1 accompanied by all papers and opinions required by the authority.

2 (b) The authority may require that an application for a loan or  
3 other financial assistance from the infrastructure assistance fund  
4 be accompanied by the following:

5 (1) A certification and guarantee of signatures.

6 (2) A certification that, as of the date of the loan or other  
7 financial assistance, no litigation is pending challenging the  
8 validity of or entry into:

9 (A) the grant, loan, or other financial assistance; or

10 (B) any security for the loan or other financial assistance.

11 (3) Any other certifications, agreements, security, or  
12 requirements that the authority requests.

13 (4) An approving opinion of nationally recognized bond  
14 counsel.

15 Sec. 7. A participant receiving a grant, loan, or other financial  
16 assistance from the infrastructure assistance fund shall enter into  
17 a financial assistance agreement with the authority. A financial  
18 assistance agreement entered into under this section is a valid,  
19 binding, and enforceable agreement of the participant.

20 Sec. 8. (a) The authority may sell loans, evidences of other  
21 financial assistance, and other obligations evidencing the loans or  
22 other financial assistance from the infrastructure assistance fund:

23 (1) periodically;

24 (2) at any price; and

25 (3) on terms acceptable to the authority.

26 (b) Proceeds of sales under subsection (a) shall be deposited in:

27 (1) the infrastructure assistance fund;

28 (2) the wastewater revolving loan fund established by  
29 IC 13-18-13-2;

30 (3) the drinking water revolving loan fund established by  
31 IC 13-18-21-2; or

32 (4) the supplemental drinking water and wastewater  
33 assistance fund established by IC 13-18-21-22;

34 at the direction of the authority.

35 Sec. 9. (a) The authority may pledge loans, evidences of other  
36 financial assistance, and other obligations evidencing the loans or  
37 other financial assistance from the infrastructure assistance fund  
38 to secure other loans or financial assistance from:

39 (1) the infrastructure assistance fund;

40 (2) the wastewater revolving loan fund established by  
41 IC 13-18-13-2;

42 (3) the drinking water revolving loan fund established by



1           **IC 13-18-21-2; or**

2           **(4) the supplemental drinking water and wastewater**  
 3           **assistance fund established by IC 13-18-21-22;**  
 4           **for the benefit of participants.**

5           **(b) The terms of a pledge under this section must be acceptable**  
 6           **to the authority.**

7           **(c) Notwithstanding any other law, a pledge of property made**  
 8           **by the authority under this section is binding from the time the**  
 9           **pledge is made. Revenues, other money, or other property pledged**  
 10           **and thereafter received are immediately subject to the lien of the**  
 11           **pledge without any further act. The lien of a pledge is binding**  
 12           **against all parties having claims of any kind in tort, contract, or**  
 13           **otherwise against:**

14           **(1) the authority;**

15           **(2) the budget agency; or**

16           **(3) the infrastructure assistance fund;**

17           **regardless of whether the parties have notice of any lien.**

18           **(d) A resolution, an indenture, or another instrument by which**  
 19           **a pledge is created under this section does not have to be filed or**  
 20           **recorded, except in the records of the authority.**

21           **(e) Action taken to:**

22           **(1) enforce a pledge made under this section; and**

23           **(2) realize the benefits of the pledge;**

24           **is limited to the property pledged.**

25           **(f) A pledge under this section does not create a liability or**  
 26           **indebtedness of the state.**

27           **Sec. 10. Not later than August 1 of each even numbered year**  
 28           **through 2020, the public finance director shall prepare for the**  
 29           **budget committee established by IC 4-12-1-3 and the legislative**  
 30           **council a report that includes the following:**

31           **(1) Information concerning the financial assistance made**  
 32           **available to participants from the infrastructure assistance**  
 33           **fund during the two (2) most recent fiscal years.**

34           **(2) Any other information requested by the budget committee**  
 35           **and the legislative council.**

36           **The report must be submitted in an electronic format under**  
 37           **IC 5-14-6.**

38           **Sec. 11. A person who, with intent to defraud, knowingly or**  
 39           **intentionally makes a material misstatement in connection with an**  
 40           **application for a loan or other financial assistance from the**  
 41           **infrastructure assistance fund commits a Level 6 felony.**

42           **SECTION 18. IC 35-52-13-3.5 IS ADDED TO THE INDIANA**





1 CODE AS A NEW SECTION TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2017]: **Sec. 3.5. IC 13-18-25-11 defines a**  
3 **crime concerning an application for a loan or other financial**  
4 **assistance from the infrastructure assistance fund.**



COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 416, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 416 as introduced.)

ECKERTY, Chairperson

Committee Vote: Yeas 10, Nays 0

