



February 21, 2020

ENGROSSED HOUSE BILL No. 1348

DIGEST OF HB 1348 (Updated February 19, 2020 3:00 pm - DI 106)

Citations Affected: IC 4-3; IC 7.1-2; IC 7.1-3; IC 8-3; IC 8-10; IC 8-23; IC 14-22; IC 33-37; IC 36-1; IC 36-7; IC 36-7.5; noncode.

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. Provides that money in the industrial service fund may be used to provide money for the Midwest Interstate Passenger Rail Compact. 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. Exempts certain work done by the employees of a conservancy district established for the purpose of water or sewage treatment from certain requirements that apply to public works contracts. Makes conforming changes.

Effective: July 1, 2020.

Gutwein, Lehman, Engleman

(SENATE SPONSORS — BUSCH, RANDOLPH LONNIE M)

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

January 28, 2020, amended, reported — Do Pass.

January 30, 2020, read second time, ordered engrossed. Engrossed.

February 3, 2020, read third time, passed. Yeas 91, nays 1.

SENATE ACTION

February 17, 2020, read first time and referred to Committee on Public Policy.

February 20, 2020, amended, reported favorably — Do Pass.

EH 1348—LS 7056/DI 129



February 21, 2020

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.

ENGROSSED 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

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

33 (1) Provide loans to railroads that will be used to purchase or
34 rehabilitate real or personal property that will be used by the
35 railroad in providing railroad transportation services.

36 (2) Pay operating expenses of the Indiana department of
37 transportation, subject to appropriation by the general assembly.

38 (3) Provide fifty thousand dollars (\$50,000) annually to the
39 Indiana department of transportation for rail planning activities.
40 Money distributed under this subdivision does not revert back to
41 the state general fund at the end of a state fiscal year.

42 (4) Provide money for the high speed rail development fund under



1 ~~IC 8-23-25~~. **Midwest Interstate Passenger Rail Compact under**
2 **IC 8-3-22.**

3 (5) Provide grants to a railroad owned or operated by a port
4 authority established under IC 8-10-5.

5 (6) Make grants to a Class II or a Class III railroad for the
6 rehabilitation of railroad infrastructure or railroad construction.

7 (b) A grant made under subsection (a)(5) may not exceed twenty
8 percent (20%) of the gross sales and use tax receipts deposited in the
9 fund under IC 6-2.5-10-1 during the fiscal year preceding the fiscal
10 year in which the grant is made.

11 (c) A grant program under subsection (a)(6) must:

12 (1) provide a grant to a recipient of not more than seventy-five
13 percent (75%) of the cost of the project; and

14 (2) require a grant recipient to pay for not more than twenty-five
15 percent (25%) of the cost of a project.

16 SECTION 5. IC 8-3-19-1 IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2020]: Sec. 1. The "Interstate High Speed
18 Intercity Rail Passenger Network Compact" is hereby ratified, enacted
19 into law and entered into by the state of Indiana with all other states
20 legally joining therein in the form substantially as follows:

21 INTERSTATE HIGH SPEED INTERCITY
22 RAIL PASSENGER NETWORK COMPACT
23 ARTICLE I POLICY AND PURPOSE

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

32 ARTICLE II COOPERATION

33 The states of Ohio, Indiana, Michigan, Pennsylvania, Illinois, West
34 Virginia, and Kentucky, hereinafter referred to as participating states,
35 agree to, upon adoption of this compact by the respective states, jointly
36 conduct and participate in a high speed intercity rail passenger
37 feasibility study by providing such information and data as is available
38 and may be requested by a participating state or any consulting firms
39 representing a participating state or the compact. It is mutually
40 understood by the participating states that such information shall not
41 include matters not of public record or of a nature considered to be
42 privileged and confidential unless the state providing such information



1 agrees to waive the confidentiality.

2 The participating states further agree to:

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

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

10 **ARTICLE III INTERSTATE RAIL PASSENGER**
11 **ADVISORY COUNCIL**

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

25 The advisory council shall coordinate all aspects of the high speed
26 intercity rail passenger feasibility study relative to interstate
27 connections and shall do all other things necessary and proper for the
28 completion of the feasibility study.

29 **ARTICLE ~~IV~~ III EFFECTIVE DATE**

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

34 This compact shall continue in force with respect to a participating
35 state and remain binding upon such state until six (6) months after such
36 state has given notice to each other participating state of the repeal
37 thereof. Such withdrawal shall not be construed to relieve any
38 participating state from any obligation incurred prior to the end of the
39 state's participation in the compact as provided herein.

40 **ARTICLE ~~V~~ IV CONSTRUCTION AND SEVERABILITY**

41 This compact shall be liberally construed so as to effectuate the
42 purposes thereof. The provisions of this compact shall be severable and



1 if any phrase, clause, sentence, or provision of this compact is declared
 2 to be contrary to the constitution of any participating state or of the
 3 United States, or the applicability thereof to any government, agency,
 4 person, or circumstance is held invalid, the validity of the remainder of
 5 this compact and the applicability thereof to any government, agency,
 6 person, or circumstance shall not be affected thereby. If this compact
 7 shall be held contrary to the constitution of any participating state, the
 8 compact shall remain in full force and effect as to the remaining states
 9 and in full force and effect as to the state affected as to all severable
 10 matters.

11 SECTION 6. IC 8-3-19-2 IS REPEALED [EFFECTIVE JULY 1,
 12 2020]. Sec. 2: (a) ~~Should the disbursement of any funds be necessary~~
 13 ~~to enable the Interstate Rail Passenger Advisory Council to perform its~~
 14 ~~designated functions as described in section † of this chapter, said~~
 15 ~~funds shall be appropriated from the high speed rail development fund:~~

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

23 SECTION 7. IC 8-3-21-3 IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The states of Illinois, Indiana,
 25 Kentucky, Tennessee, Georgia, and Florida (referred to in this chapter
 26 as "participating states") agree, upon adoption of this compact by the
 27 respective states, to jointly conduct and participate in a rail passenger
 28 network financial and economic impact study. The study must do the
 29 following:

30 (1) Carry forward research previously performed by the national
 31 railroad passenger corporation (Amtrak) (report issued December
 32 1990) and the Evansville Amtrak task force (report issued
 33 November 1990) that evaluated the "western route"
 34 (Chicago-Evansville-Nashville-Chattanooga-Macon-Waycross-
 35 Jacksonville) for purposes of evaluating a representative service
 36 schedule, train running times, and associated costs.

37 (2) Include consideration of the following:

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

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

42 ~~(C)~~ (B) The periodic review of projected passenger traffic



1 estimates on the western route.

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

4 (b) Information and data collected during the study under subsection
5 (a) that is requested by a participating state or a consulting firm
6 representing a participating state or the compact may be made available
7 to the state or firm. However, the information may not include matters
8 not of public record or of a nature considered to be privileged and
9 confidential unless the state providing the information agrees to waive
10 the confidentiality.

11 SECTION 8. IC 8-3-21-5 IS REPEALED [EFFECTIVE JULY 1,
12 2020]. Sec. 5: The interstate rail passenger advisory council (referred
13 to in this compact as the "council") is created. The membership of the
14 council consists of three (3) individuals from each participating state.
15 The governor, president pro tempore of the senate, and speaker of the
16 house of representatives shall each appoint one (1) member of the
17 council.

18 SECTION 9. IC 8-3-21-6 IS REPEALED [EFFECTIVE JULY 1,
19 2020]. Sec. 6: The council shall do the following:

20 (1) Meet within thirty (30) days after ratification of this agreement
21 by at least two (2) participating states:

22 (2) Establish rules for the conduct of the council's business,
23 including the payment of the reasonable and necessary travel
24 expenses of council members:

25 (3) Coordinate all aspects of the rail passenger financial and
26 economic impact study under section 3 of this chapter:

27 (4) Contract with persons, including postsecondary educational
28 institutions, for performance of any part of the study under section
29 3 of this chapter:

30 (5) Upon approval of the study, determine the proportionate share
31 that each state will contribute toward the implementation and
32 management of the proposed restoration of the interstate rail
33 passenger system along the western route:

34 (6) Make recommendations to each participating state legislature
35 concerning the results of the study required by this chapter:

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

40 (b) The district includes all territory, including both dry land and
41 water, within a distance of one-half (1/2) mile on either side of the
42 center line of any waterway within the city in which the district is



1 established. excluding the land and water occupied by any marina
 2 owned by a unit of government located in the corridor (as defined in
 3 ~~IC 36-7-13.5-1~~).

4 (c) The district boundary is formed by an imaginary line one-half
 5 (1/2) mile distant from the center line of a waterway in all directions.
 6 However, the boundary of the district does not extend beyond the
 7 boundaries of the city in which the district is located in those areas
 8 where the city boundary is located less than one-half (1/2) mile from
 9 the center line of a waterway.

10 SECTION 11. IC 8-23-25 IS REPEALED [EFFECTIVE JULY 1,
 11 2020]. (High Speed Rail Development Fund).

12 SECTION 12. IC 14-22-11-3, AS AMENDED BY P.L.195-2017,
 13 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2020]: Sec. 3. (a) An applicant for a hunting, trapping, or
 15 fishing license must provide the applicant's Social Security number in
 16 order to obtain the license. Social Security numbers acquired under this
 17 subsection shall be kept confidential and used only to carry out the
 18 purposes of the Title IV-D program.

19 (b) The director and agents appointed by the director as authorized
 20 representatives of the department shall issue hunting, trapping, and
 21 fishing licenses.

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

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

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

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

33 SECTION 13. IC 14-22-12-1.5, AS AMENDED BY P.L.151-2012,
 34 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2020]: Sec. 1.5. (a) As used in this section, "qualified
 36 individual" means an individual who:

- 37 (1) is a resident of Indiana;
 38 (2) has served in the armed forces of the United States; and
 39 (3) has a service connected disability, as evidenced by:
 40 (A) records of the United States Department of Veterans
 41 Affairs; or
 42 (B) disability retirement benefits awarded to the individual



- 1 under laws administered by the United States Department of
2 Defense.
- 3 (b) A qualified individual is entitled to reduced fee hunting and
4 fishing licenses under this section.
- 5 (c) Each year a qualified individual may obtain:
- 6 (1) both:
- 7 (A) a resident yearly license to fish; and
8 (B) a resident yearly license to hunt; or
9 (2) a resident yearly license to hunt and fish;
10 by paying a reduced license fee of two dollars and seventy-five cents
11 (\$2.75) instead of the fee prescribed by section 1 of this chapter.
- 12 (d) Each decade a qualified individual may obtain:
- 13 (1) both:
- 14 (A) a resident license to fish that is valid for ten (10) years;
15 and
16 (B) a resident license to hunt that is valid for ten (10) years; or
17 (2) a resident license to hunt and fish that is valid for ten (10)
18 years;
19 by paying a reduced license fee of twenty-seven dollars and fifty cents
20 (\$27.50).
- 21 (e) An applicant for a reduced fee license under this section must do
22 the following:
- 23 (1) Request the license from:
- 24 (A) the department; **or**
25 (B) an agent appointed by the director under IC 14-22-11-3. **or**
26 ~~(C) the clerk of the circuit court who is an authorized~~
27 ~~representative of the department under IC 14-22-11-3 in the~~
28 ~~county in which the individual resides.~~
- 29 (2) Present evidence that the applicant is a qualified individual.
- 30 SECTION 14. IC 14-22-12-9 IS REPEALED [EFFECTIVE JULY
31 1, 2020]. ~~Sec. 9: The clerk of the circuit court in each county shall~~
32 ~~retain as the property of the county the service fees provided by section~~
33 ~~8 of this chapter from the sale of licenses sold by the clerk. The clerk~~
34 ~~shall pay the fees promptly into the county general fund as other fees~~
35 ~~are paid:~~
- 36 SECTION 15. IC 33-37-3-2.5 IS ADDED TO THE INDIANA
37 CODE AS A NEW SECTION TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2020]: **Sec. 2.5. (a) The following definitions**
39 **apply throughout this section:**
- 40 (1) "Locality newspaper" has the meaning set forth in
41 IC 5-3-1-0.2.
42 (2) "Newspaper" has the meaning set forth in IC 5-3-1-0.4.



- 1 **(3) "Qualified publication" has the meaning set forth in**
 2 **IC 5-3-1-0.7.**
- 3 **(b) A locality newspaper, newspaper, or qualified publication**
 4 **may not charge an indigent person a fee for publishing a legal**
 5 **notice that exceeds the rate charged an elected or appointed public**
 6 **official or a governmental agency under IC 5-3-1-1(b), if the person**
 7 **provides the locality newspaper, newspaper, or qualified**
 8 **publication with a copy of the indigency statement filed under**
 9 **section 2 of this chapter.**
- 10 SECTION 16. IC 36-1-12-1, AS AMENDED BY P.L.91-2017,
 11 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2020]: Sec. 1. (a) Except as provided in this section, this
 13 chapter applies to all public work performed or contracted for by:
 14 (1) political subdivisions; and
 15 (2) their agencies;
 16 regardless of whether it is performed on property owned or leased by
 17 the political subdivision or agency.
- 18 (b) This chapter does not apply to an officer or agent who, on behalf
 19 of a municipal utility **or a conservancy district described in**
 20 **IC 14-33-1-1(a)(4) or IC 14-33-1-1(a)(5)**, maintains, extends, and
 21 installs services of the utility **or district** if the necessary work is done
 22 by the employees of the utility **or district**.
- 23 (c) This chapter does not apply to hospitals organized or operated
 24 under IC 16-22-1 through IC 16-22-5 or IC 16-23-1, unless the public
 25 work is financed in whole or in part with cumulative building fund
 26 revenue.
- 27 (d) This chapter does not apply to tax exempt Indiana nonprofit
 28 corporations leasing and operating a city market owned by a political
 29 subdivision.
- 30 (e) As an alternative to this chapter, the governing body of a
 31 political subdivision or its agencies may do the following:
 32 (1) Enter into a design-build contract as permitted under IC 5-30.
 33 (2) Participate in a utility efficiency program or enter into a
 34 guaranteed savings contract as permitted under IC 36-1-12.5.
- 35 (f) This chapter does not apply to a person that has entered into an
 36 operating agreement with a political subdivision or an agency of a
 37 political subdivision under IC 5-23.
- 38 (g) This chapter does not apply to the extension or installation of
 39 utility infrastructure by a private developer of land if all the following
 40 apply:
 41 (1) A municipality will acquire for the municipality's municipally
 42 owned utility all of the utility infrastructure that is to be extended



1 or installed.

2 (2) Not more than fifty percent (50%) of the total construction

3 costs for the utility infrastructure to be extended or installed,

4 including any increased costs that result from any construction

5 specifications that:

6 (A) are required by the municipality; and

7 (B) specify a greater service capacity for the utility

8 infrastructure than would otherwise be provided for by the

9 private developer;

10 will be paid for out of a public fund or out of a special

11 assessment.

12 (3) The private developer agrees to comply with all local

13 ordinances and engineering standards applicable to the

14 construction, extension, or installation of the utility infrastructure.

15 SECTION 17. IC 36-1-12-3, AS AMENDED BY P.L.43-2019,

16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

17 JULY 1, 2020]: Sec. 3. (a) The board may purchase or lease materials

18 in the manner provided in IC 5-22 and perform any public work, by

19 means of its own workforce, without awarding a contract whenever the

20 cost of that public work project is estimated to be less than two hundred

21 fifty thousand dollars (\$250,000). Before a board may perform any

22 work under this section by means of its own workforce, the political

23 subdivision or agency must have a group of employees on its staff who

24 are capable of performing the construction, maintenance, and repair

25 applicable to that work. For purposes of this subsection, the cost of a

26 public work project includes:

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

28 (2) a reasonable rate for use of trucks and heavy equipment

29 owned; and

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

31 (b) This subsection applies only to a municipality or a county. The

32 workforce of a municipality or county may perform a public work

33 described in subsection (a) only if:

34 (1) the workforce, through demonstrated skills, training, or

35 expertise, is capable of performing the public work; and

36 (2) for a public work project under subsection (a) whose cost is

37 estimated to be more than one hundred thousand dollars

38 (\$100,000), the board:

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

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

41 perform with its own workforce; and

42 (ii) sets forth the projected cost of each component of the



1 public work as described in subsection (a); and
 2 (B) determines at a public meeting that it is in the public
 3 interest to perform the public work with the board's own
 4 workforce.

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

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

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

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

30 (f) **As used in this subsection, "department" means:**
 31 **(1) the Indiana department of transportation established by**
 32 **IC 8-23-2-1; or**
 33 **(2) a public highway department that is:**
 34 **(A) under the political control of a unit (as defined in**
 35 **IC 36-1-2-23); and**
 36 **(B) involved in the construction, maintenance, or repair of**
 37 **a public highway (as defined in IC 9-25-2-4).**

38 If a public works project involves a structure, an improvement, or a
 39 facility under the control of a department, ~~(as defined in~~
 40 ~~IC 4-3-19-2(2))~~; the department may not artificially divide the project
 41 to bring any part of the project under this section.

42 SECTION 18. IC 36-7-11.5-1, AS AMENDED BY P.L.234-2007,



1 SECTION 282, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) As used in this chapter;
 3 "advisory board" refers to the Orange County development advisory
 4 board established by section 12 of this chapter.

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

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

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

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

17 SECTION 19. IC 36-7-11.5-12 IS REPEALED [EFFECTIVE JULY
 18 1, 2020]. Sec. 12. (a) The Orange County development advisory board
 19 is established for the purpose of advising the development commission
 20 established under section 3.5 of this chapter.

21 (b) The advisory board consists of five (5) members appointed as
 22 follows:

23 (1) One (1) individual appointed by the speaker of the house of
 24 representatives:

25 (2) One (1) individual appointed by the president pro tempore of
 26 the senate:

27 (3) One (1) individual appointed by the Orange County
 28 convention and visitors bureau:

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

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

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

39 (e) A member of the advisory board is not entitled to a salary per
 40 diem. However, a member is entitled to reimbursement for travel
 41 expenses incurred in connection with the member's duties, as provided
 42 in the state travel policies and procedures established by the



1 department of administration and approved by the budget agency.

2 SECTION 20. IC 36-7-13.5 IS REPEALED [EFFECTIVE JULY 1,
3 2020]. (Shoreline Development).

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

8 (1) An airport authority.

9 (2) A commuter transportation district.

10 (3) A regional bus authority under IC 36-9-3-2(c).

11 (4) A regional transportation authority established under
12 IC 36-9-3-2.

13 ~~(5) The Lake Michigan marina and shoreline development
14 commission under IC 36-7-13.5.~~

15 SECTION 22. IC 36-7.5-1-12.4 IS REPEALED [EFFECTIVE JULY
16 1, 2020]. Sec. 12.4: ~~"Lake Michigan marina and shoreline development
17 commission" means the commission established by IC 36-7-13.5-2.~~

18 SECTION 23. IC 36-7.5-1-12.5 IS REPEALED [EFFECTIVE JULY
19 1, 2020]. Sec. 12.5: ~~"Lake Michigan marina and shoreline development
20 commission project" means a project that can be financed with the
21 proceeds of bonds issued by the Lake Michigan marina and shoreline
22 development commission.~~

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

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

35 (1) acquiring, constructing, equipping, owning, leasing, and
36 financing projects and facilities for lease to or for the benefit of
37 eligible political subdivisions under this article in accordance
38 with IC 36-7.5-3-1.5;

39 (2) funding and developing the Gary/Chicago International
40 Airport expansion and other airport authority projects, commuter
41 transportation district and other rail projects and services,
42 regional bus authority projects and services, regional



- 1 transportation authority projects and services, ~~Lake Michigan~~
- 2 ~~marina and shoreline development projects and activities~~, and
- 3 economic development projects in northwestern Indiana;
- 4 (3) assisting with the funding of infrastructure needed to sustain
- 5 development of an intermodal facility in northwestern Indiana;
- 6 (4) funding and developing regional transportation infrastructure
- 7 projects under IC 36-9-43; and
- 8 (5) studying and evaluating destination based economic
- 9 development projects that have:
 - 10 (A) an identified market;
 - 11 (B) identified funding sources and these funding sources
 - 12 include at least fifty percent (50%) from nongovernmental
 - 13 sources; and
 - 14 (C) a demonstrable short and long term local and regional
 - 15 economic impact, as verified by an independent economic
 - 16 analysis.

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

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

- 24 (1) Subject to sections 1.5 and 1.7 of this chapter, assist in the
- 25 coordination of local efforts concerning projects.
- 26 (2) Assist a commuter transportation district, an airport authority,
- 27 ~~the Lake Michigan marina and shoreline development~~
- 28 ~~commission~~, a regional transportation authority, and a regional
- 29 bus authority in coordinating regional transportation and
- 30 economic development efforts.
- 31 (3) Subject to sections 1.5 and 1.7 of this chapter, fund projects
- 32 as provided in this article.
- 33 (4) Fund bus services (including fixed route services and flexible
- 34 or demand-responsive services) and projects related to bus
- 35 services and bus terminals, stations, or facilities.

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

- 40 (1) Finance, improve, construct, reconstruct, renovate, purchase,
- 41 lease, acquire, and equip land and projects located in an eligible
- 42 county or eligible municipality.



- 1 (2) Lease land or a project to an eligible political subdivision.
- 2 (3) Finance and construct additional improvements to projects or
- 3 other capital improvements owned by the development authority
- 4 and lease them to or for the benefit of an eligible political
- 5 subdivision.
- 6 (4) Acquire land or all or a portion of one (1) or more projects
- 7 from an eligible political subdivision by purchase or lease and
- 8 lease the land or projects back to the eligible political subdivision,
- 9 with any additional improvements that may be made to the land
- 10 or projects.
- 11 (5) Acquire all or a portion of one (1) or more projects from an
- 12 eligible political subdivision by purchase or lease to fund or
- 13 refund indebtedness incurred on account of the projects to enable
- 14 the eligible political subdivision to make a savings in debt service
- 15 obligations or lease rental obligations or to obtain relief from
- 16 covenants that the eligible political subdivision considers to be
- 17 unduly burdensome.
- 18 (6) Make loans, loan guarantees, and grants or provide other
- 19 financial assistance to or on behalf of the following:
- 20 (A) A commuter transportation district.
- 21 (B) An airport authority or airport development authority.
- 22 ~~(C) The Lake Michigan marina and shoreline development~~
- 23 ~~commission.~~
- 24 ~~(D)~~ (C) A regional bus authority. A loan, loan guarantee,
- 25 grant, or other financial assistance under this clause may be
- 26 used by a regional bus authority for acquiring, improving,
- 27 operating, maintaining, financing, and supporting the
- 28 following:
- 29 (i) Bus services (including fixed route services and flexible
- 30 or demand-responsive services) that are a component of a
- 31 public transportation system.
- 32 (ii) Bus terminals, stations, or facilities or other regional bus
- 33 authority projects.
- 34 ~~(E)~~ (D) A regional transportation authority.
- 35 ~~(F)~~ (E) A member municipality that is eligible to make an
- 36 appointment to the development board under
- 37 IC 36-7.5-2-3(b)(2) and that has pledged admissions tax
- 38 revenue for a bond anticipation note after March 31, 2014, and
- 39 before June 30, 2015. However, a loan made to such a member
- 40 municipality before June 30, 2016, under this clause must
- 41 have a term of not more than ten (10) years, must require
- 42 annual level debt service payments, and must have a market



- 1 based interest rate. If a member municipality defaults on the
- 2 repayment of a loan made under this clause, the development
- 3 authority shall notify the treasurer of state of the default and
- 4 the treasurer of state shall:
- 5 (i) withhold from any funds held for distribution to the
- 6 municipality under IC 4-33-12, or IC 4-33-13 an amount
- 7 sufficient to cure the default; and
- 8 (ii) pay that amount to the development authority.
- 9 (7) Provide funding to assist a railroad that is providing commuter
- 10 transportation services in an eligible county or eligible
- 11 municipality.
- 12 (8) Provide funding to assist an airport authority located in an
- 13 eligible county or eligible municipality in the construction,
- 14 reconstruction, renovation, purchase, lease, acquisition, and
- 15 equipping of an airport facility or airport project.
- 16 (9) Provide funding to assist in the development of an intermodal
- 17 facility to facilitate the interchange and movement of freight.
- 18 ~~(10) Provide funding to assist the Lake Michigan marina and~~
- 19 ~~shoreline development commission in carrying out the purposes~~
- 20 ~~of IC 36-7-13.5.~~
- 21 ~~(11)~~ (10) Provide funding for economic development projects in
- 22 an eligible county or eligible municipality.
- 23 ~~(12)~~ (11) Hold, use, lease, rent, purchase, acquire, and dispose of
- 24 by purchase, exchange, gift, bequest, grant, condemnation, lease,
- 25 or sublease, on the terms and conditions determined by the
- 26 development authority, any real or personal property located in an
- 27 eligible county or eligible municipality.
- 28 ~~(13)~~ (12) After giving notice, enter upon any lots or lands for the
- 29 purpose of surveying or examining them to determine the location
- 30 of a project.
- 31 ~~(14)~~ (13) Make or enter into all contracts and agreements
- 32 necessary or incidental to the performance of its duties and the
- 33 execution of its powers under this article.
- 34 ~~(15)~~ (14) Sue, be sued, plead, and be impleaded.
- 35 ~~(16)~~ (15) Design, order, contract for, and construct, reconstruct,
- 36 and renovate a project or improvements to a project.
- 37 ~~(17)~~ (16) Appoint an executive director and employ appraisers,
- 38 real estate experts, engineers, architects, surveyors, attorneys,
- 39 accountants, auditors, clerks, construction managers, and any
- 40 consultants or employees that are necessary or desired by the
- 41 development authority in exercising its powers or carrying out its
- 42 duties under this article.



1 ~~(18)~~ **(17)** Accept loans, grants, and other forms of financial
2 assistance from the federal government, the state government, a
3 political subdivision, or any other public or private source.

4 ~~(19)~~ **(18)** Use the development authority's funds to match federal
5 grants or make loans, loan guarantees, or grants to carry out the
6 development authority's powers and duties under this article.

7 ~~(20)~~ **(19)** Provide funding for regional transportation
8 infrastructure projects under IC 36-9-43.

9 ~~(21)~~ **(20)** Except as prohibited by law, take any action necessary
10 to carry out this article.

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

17 (1) describes the real property sought to be acquired and the
18 purpose for which the real property is to be used;

19 (2) declares that the public interest and necessity require the
20 acquisition by the development authority of the property involved;
21 and

22 (3) sets out any other facts that the development authority
23 considers necessary or pertinent.

24 The resolution is conclusive evidence of the public necessity of the
25 proposed acquisition.

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

31 (b) An eligible political subdivision may:

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

39 (2) sell all or a portion of land or a project or projects to the
40 development authority for a price sufficient to provide for the
41 refunding of those bonds and lease back the land or project or
42 projects from the development authority.



1 SECTION 29. [EFFECTIVE JULY 1, 2020] (a) **On July 1, 2020,**
2 **the budget agency shall transfer any unencumbered money in the**
3 **high speed rail development fund established by IC 8-23-25-1, as**
4 **repealed by this act, as of June 30, 2020, to the state general fund.**
5 (b) **This SECTION expires January 1, 2021.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Select Committee on Government Reduction, to which was referred House Bill 1348, 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 2, delete lines 28 through 35.

Page 3, line 8, reset in roman "(4) Provide money for the".

Page 3, line 9, after "IC 8-23-25." insert "**Midwest Interstate Passenger Rail Compact under IC 8-3-22.**".

Page 3, line 10, reset in roman "(5)".

Page 3, line 10, delete "(4)".

Page 3, line 12, reset in roman "(6)".

Page 3, line 12, delete "(5)".

Page 3, line 14, reset in roman "(a)(5)".

Page 3, line 14, delete "(a)(4)".

Page 3, line 18, reset in roman "(a)(6)".

Page 3, line 18, delete "(a)(5)".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1348 as introduced.)

GUTWEIN

Committee Vote: yeas 7, nays 1.

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred House Bill No. 1348, 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 9, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 16. IC 36-1-12-1, AS AMENDED BY P.L.91-2017, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) Except as provided in this section, this chapter applies to all public work performed or contracted for by:

(1) political subdivisions; and

(2) their agencies;

regardless of whether it is performed on property owned or leased by

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the political subdivision or agency.

(b) This chapter does not apply to an officer or agent who, on behalf of a municipal utility **or a conservancy district described in IC 14-33-1-1(a)(4) or IC 14-33-1-1(a)(5)**, maintains, extends, and installs services of the utility **or district** if the necessary work is done by the employees of the utility **or district**.

(c) This chapter does not apply to hospitals organized or operated under IC 16-22-1 through IC 16-22-5 or IC 16-23-1, unless the public work is financed in whole or in part with cumulative building fund revenue.

(d) This chapter does not apply to tax exempt Indiana nonprofit corporations leasing and operating a city market owned by a political subdivision.

(e) As an alternative to this chapter, the governing body of a political subdivision or its agencies may do the following:

- (1) Enter into a design-build contract as permitted under IC 5-30.
- (2) Participate in a utility efficiency program or enter into a guaranteed savings contract as permitted under IC 36-1-12.5.

(f) This chapter does not apply to a person that has entered into an operating agreement with a political subdivision or an agency of a political subdivision under IC 5-23.

(g) This chapter does not apply to the extension or installation of utility infrastructure by a private developer of land if all the following apply:

- (1) A municipality will acquire for the municipality's municipally owned utility all of the utility infrastructure that is to be extended or installed.
- (2) Not more than fifty percent (50%) of the total construction costs for the utility infrastructure to be extended or installed, including any increased costs that result from any construction specifications that:
 - (A) are required by the municipality; and
 - (B) specify a greater service capacity for the utility infrastructure than would otherwise be provided for by the private developer;

will be paid for out of a public fund or out of a special assessment.

- (3) The private developer agrees to comply with all local ordinances and engineering standards applicable to the construction, extension, or installation of the utility infrastructure."



Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to HB 1348 as printed January 28, 2020.)

ALTING, Chairperson

Committee Vote: Yeas 7, Nays 0.

