

HOUSE BILL No. 1097

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-9-2; IC 36-1-10-1.

Synopsis: Lake County Convention and Visitors Bureau. Permits the Lake County convention and visitor bureau to enter into leases or lease-purchase agreements, or to issue bonds or other obligations, for the construction, acquisition, and equipping of a visitor center to promote and encourage visitors, conventions, and other events within the county. Grants the bureau eminent domain powers for the purpose of acquiring property to promote and encourage visitors, conventions, and other events within the county.

Effective: Upon passage.

Dobis, Fesko, Stevenson, Tabaczynski

January 6, 1998, read first time and referred to Committee on Local Government.



Second Regular Session 110th General Assembly (1998)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

HOUSE BILL No. 1097

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

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

- 1 SECTION 1. IC 6-9-2-4 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The bureau may:
3 (1) accept and use gifts, grants, and contributions from any public
4 or private source, under terms and conditions that the bureau
5 considers necessary and desirable;
6 (2) sue and be sued;
7 (3) enter into contracts and agreements;
8 (4) make rules necessary for the conduct of its business and the
9 accomplishment of its purposes;
10 (5) receive and approve, alter, or reject requests and proposals for
11 funding by corporations qualified under subdivision (6);
12 (6) after its approval of a proposal, transfer money from the fund
13 established under section 2 of this chapter to any Indiana
14 not-for-profit corporation to promote and encourage conventions,
15 trade shows, visitors, or special events in the county; ~~and~~
16 (7) require financial or other reports from any corporation that
17 receives funds under this chapter;



1 **(8) enter into leases under IC 36-1-10 for the construction,**
 2 **acquisition, and equipping of a visitor center; and**

3 **(9) exercise the power of eminent domain to acquire property**
 4 **to promote and encourage conventions, trade shows, special**
 5 **events, recreation, and visitors within the county.**

6 (b) All expenses of the bureau shall be paid from the fund
 7 established under section 2 of this chapter. The bureau shall annually
 8 prepare a budget, taking into consideration the recommendations made
 9 by a corporation qualified under subsection (a)(6), and submit it to the
 10 county council for its review and approval. After its approval of the
 11 budget, the county council shall make an appropriation from the fund
 12 in accordance with that budget.

13 (c) All money coming into possession of the bureau shall be
 14 deposited, held, secured, invested, and paid in accordance with statutes
 15 relating to the handling of public funds. The handling and expenditure
 16 of money coming into possession of the bureau is subject to audit and
 17 supervision by the state board of accounts.

18 SECTION 2. IC 6-9-2-4.5 IS ADDED TO THE INDIANA CODE
 19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 20 UPON PASSAGE]: **Sec. 4.5. The bureau may enter into an**
 21 **agreement under which amounts deposited in, or to be deposited**
 22 **in, the convention, tourism, and visitor promotion fund under**
 23 **section 2 of this chapter are pledged to payment of obligations,**
 24 **including leases entered into under IC 36-1-10, issued to finance**
 25 **the construction, acquisition, and equipping of a visitor center to**
 26 **promote and encourage conventions, trade shows, special events,**
 27 **recreation, and visitors within the county.**

28 SECTION 3. IC 6-9-2-4.7 IS ADDED TO THE INDIANA CODE
 29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 30 UPON PASSAGE]: **Sec. 4.7. (a) The bureau may issue bonds, enter**
 31 **into leases, or incur other obligations to:**

32 **(1) pay the costs incurred in the financing, construction,**
 33 **acquisition, and equipping of a visitor center to promote and**
 34 **encourage conventions, trade shows, special events,**
 35 **recreation, and visitors within the county;**

36 **(2) reimburse itself or any nonprofit corporation for any**
 37 **money advanced to pay those costs; or**

38 **(3) refund bonds issued or other obligations incurred under**
 39 **this chapter.**

40 **(b) Bonds issued or obligations incurred under this section:**

41 **(1) are payable solely from the money provided in this**
 42 **chapter;**



- 1 (2) may, in the discretion of the bureau, be sold at a negotiated
2 sale or under IC 5-1-11 and IC 5-3-1; and
3 (3) must be authorized by a resolution of the bureau.
4 (c) Leases entered into under this section:
5 (1) may be for a term not to exceed fifty (50) years;
6 (2) may provide for payments from revenues under this
7 chapter, any other revenues available to the bureau, or any
8 combination of these sources;
9 (3) may provide that payments by the bureau to the lessor are
10 required only to the extent and only for the time that the
11 lessor is able to provide the leased facilities in accordance
12 with the lease;
13 (4) must be based upon the value of the facilities leased; and
14 (5) may not create a debt of the county for purposes of the
15 Constitution of the State of Indiana.
16 (d) A lease may be entered into by the bureau only after a public
17 hearing:
18 (1) for which notice has been given in accordance with
19 IC 5-3-1; and
20 (2) at which all interested parties are provided the
21 opportunity to be heard.
22 (e) After the public hearing, the bureau may approve the
23 execution of the lease only if the bureau finds that the services to
24 be provided throughout the life of the lease will serve the public
25 purposes for which the bureau was created and that the execution
26 of the lease is in the best interests of the residents of the county.
27 (f) Upon execution of a lease under this section, the bureau shall
28 publish notice of the execution of the lease in accordance with
29 IC 5-3-1.
30 (g) An action to contest the validity of bonds issued or leases
31 entered into under this section must be brought within thirty (30)
32 days after the adoption of a bond resolution or notice of the
33 execution and approval of the lease, as the case may be.
34 SECTION 4. IC 6-9-2-4.9 IS ADDED TO THE INDIANA CODE
35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
36 UPON PASSAGE]: **Sec. 4.9. With respect to:**
37 (1) bonds, leases, or other obligations to which the bureau has
38 pledged revenues under this chapter; and
39 (2) bonds issued by a lessor that are payable from lease
40 rentals;
41 the general assembly covenants with the bureau and the
42 purchasers or owners of the bonds or other obligations described



1 **in this section that this chapter will not be repealed or amended in**
 2 **any manner that will adversely affect the collection of the tax**
 3 **imposed under this chapter or the money deposited in the**
 4 **convention, tourism, and visitor promotion fund, as long as the**
 5 **principal of or interest on any bonds, or the lease rentals due under**
 6 **any lease, are unpaid.**

7 SECTION 5. IC 6-9-2-5.5 IS ADDED TO THE INDIANA CODE
 8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 9 UPON PASSAGE]: **Sec. 5.5. The financing of the construction,**
 10 **acquisition, and equipping of a visitor center to promote and**
 11 **encourage conventions, trade shows, special events, recreation, and**
 12 **visitors within the county serves a public purpose and is of benefit**
 13 **to the general welfare of the county by encouraging investment, job**
 14 **creation and retention, and economic growth and diversity.**

15 SECTION 6. IC 36-1-10-1 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as
 17 provided in subsection (b), this chapter applies to:

- 18 (1) political subdivisions; and
- 19 (2) agencies of political subdivisions;

20 that determine to acquire structures, transportation projects, or systems
 21 by lease or lease-purchase. **This chapter also applies to a convention**
 22 **and visitor bureau established under IC 6-9-2 that determines to**
 23 **acquire a visitor center by lease or lease purchase.**

24 (b) This chapter does not apply to:

- 25 (1) the lease of library buildings under IC 20-14-10, unless the
- 26 library board of the public library adopts a resolution to proceed
- 27 under this chapter instead of IC 20-14-10;
- 28 (2) the lease of school buildings under IC 21-5;
- 29 (3) county hospitals organized or operating under IC 16-22-1
- 30 through IC 16-22-5;
- 31 (4) municipal hospitals organized or operating under IC 16-23-1;
- 32 or
- 33 (5) boards of aviation commissioners established under IC 8-22-2.

34 **SECTION 7. An emergency is declared for this act.**

