

HOUSE BILL No. 1171

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-10-18-1; IC 4-10-18-10; IC 8-10-9-2; IC 8-10-9-3; IC 14-8-2-48; IC 14-8-2-59; IC 14-13-3.

Synopsis: Lake Michigan Marina Development Commission. Abolishes the Lake Michigan marina development commission. Makes conforming amendments.

Effective: July 1, 1998.

Wilson

January 8, 1998, read first time and referred to Committee on Local Government.

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

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HOUSE BILL No. 1171



A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

- 1 SECTION 1. IC 4-10-18-1 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. As used in this
- 3 chapter:
- 4 "Adjusted personal income" for a particular calendar year means the
- 5 adjusted state personal income for that year as determined under
- 6 section 3(b) of this chapter.
- 7 "Annual growth rate" for a particular calendar year means the
- 8 percentage change in adjusted personal income for the particular
- 9 calendar year as determined under section 3(c) of this chapter.
- 10 "Budget director" refers to the director of the budget agency
- 11 established under IC 4-12-1.
- 12 **"Corridor" means the strip of land in Indiana abutting Lake**
- 13 **Michigan and the tributaries of Lake Michigan.**
- 14 "Costs" means the cost of construction, equipment, land, property
- 15 rights (including leasehold interests), easements, franchises, leases,
- 16 financing charges, interest costs during and for a reasonable period
- 17 after construction, architectural, engineering, legal, and other



1 consulting or advisory services, plans, specifications, surveys, cost
 2 estimates, and other costs or expenses necessary or incident to the
 3 acquisition, development, construction, financing, and operating of an
 4 economic growth initiative.

5 "Current calendar year" means a calendar year during which a
 6 transfer to or from the fund is initially determined under sections 4 and
 7 5 of this chapter.

8 "Economic growth initiative" means:

9 (1) the construction, extension, or completion of sewerlines,
 10 waterlines, streets, sidewalks, bridges, roads, highways, public
 11 ways, and any other infrastructure improvements;

12 (2) the leasing or purchase of land and any site improvements to
 13 land;

14 (3) the construction, leasing, or purchase of buildings or other
 15 structures;

16 (4) the rehabilitation, renovation, or enlargement of buildings or
 17 other structures;

18 (5) the leasing or purchase of machinery, equipment, or
 19 furnishings; or

20 (6) the training or retraining of employees whose jobs will be
 21 created or retained as a result of the initiative.

22 "Fund" means the counter-cyclical revenue and economic
 23 stabilization fund established under this chapter.

24 "General fund revenue" means all general purpose tax revenue and
 25 other unrestricted general purpose revenue of the state, including
 26 federal revenue sharing monies, credited to the state general fund and
 27 from which appropriations may be made. The term "general fund
 28 revenue" does not include revenue held in the reserve for tuition
 29 support under IC 4-12-1-12.

30 "Implicit price deflator for the gross national product" means the
 31 implicit price deflator for the gross national product, or its closest
 32 equivalent, which is available from the United States Bureau of
 33 Economic Analysis.

34 "Political subdivision" has the meaning set forth in IC 36-1-2-13.

35 "Qualified economic growth initiative" means an economic growth
 36 initiative that is:

37 (1) proposed by or on behalf of a political subdivision to promote
 38 economic growth, including the creation or retention of jobs or
 39 the infrastructure necessary to create or retain jobs;

40 (2) supported by a financing plan by or on behalf of the political
 41 subdivision in an amount at least equal to the proposed amount of
 42 the grant under section 15 of this chapter; and



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1 (3) estimated to cost not less than twelve million five hundred
2 thousand dollars (\$12,500,000).

3 "State personal income" means state personal income as that term
4 is defined by the Bureau of Economic Analysis of the United States
5 Department of Commerce or its successor agency.

6 "Total state general fund revenue" for a particular state fiscal year
7 means the amount of that revenue for the particular state fiscal year as
8 finally determined by the auditor of state.

9 "Transfer payments" means transfer payments as that term is
10 defined by the Bureau of Economic Analysis of the United States
11 Department of Commerce or its successor agency.

12 SECTION 2. IC 4-10-18-10, AS AMENDED BY P.L.1-1995,
13 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 1998]: Sec. 10. (a) The state board of finance may lend money
15 from the fund to entities listed in subsections (e) through (j) for the
16 purposes specified in those subsections.

17 (b) An entity must apply for the loan before May 1, 1989, in a form
18 approved by the state board of finance. As part of the application, the
19 entity shall submit a plan for its use of the loan proceeds and for the
20 repayment of the loan. Within sixty (60) days after receipt of each
21 application, the board shall meet to consider the application and to
22 review its accuracy and completeness and to determine the need for the
23 loan. The board shall authorize a loan to an entity that makes an
24 application if the board approves its accuracy and completeness and
25 determines that there is a need for the loan and an adequate method of
26 repayment.

27 (c) The state board of finance shall determine the terms of each
28 loan, which must include the following:

29 (1) The duration of the loan, which must not exceed twelve (12)
30 years.

31 (2) The repayment schedule of the loan, which must provide that
32 no payments are due during the first two (2) years of the loan.

33 (3) A variable rate of interest to be determined by the board and
34 adjusted annually. The interest rate must be the greater of:

35 (A) five percent (5%); or

36 (B) two-thirds (2/3) of the interest rate for fifty-two (52) week
37 United States Treasury bills on the anniversary date of the
38 loan, but not to exceed ten percent (10%).

39 (4) The amount of the loan or loans, which may not exceed the
40 maximum amounts established for the entity by this section.

41 (5) Any other conditions specified by the board.

42 (d) An entity may borrow money under this section by adoption of

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1 an ordinance or a resolution and, as set forth in IC 5-1-14, may use any
 2 source of revenue to repay a loan under this section. This section
 3 constitutes complete authority for the entity to borrow from the fund.
 4 If an entity described in subsection (i) fails to make any repayments of
 5 a loan, the amount payable shall be withheld by the auditor of state
 6 from any other money payable to the consolidated city. If any other
 7 entity described in this section fails to make any repayments of a loan,
 8 the amount payable shall be withheld by the auditor of state from any
 9 other money payable to the entity. The amount withheld shall be
 10 transferred to the fund to the credit of the entity.

11 (e) A loan under this section may be made to a city located in a
 12 county having a population of more than twenty-three thousand five
 13 hundred (23,500) but less than twenty-three thousand six hundred fifty
 14 (23,650) for the city's waterworks facility. The amount of the loan may
 15 not exceed one million six hundred thousand dollars (\$1,600,000).

16 (f) A loan under this section may be made to a city the territory of
 17 which is included in part within the Lake Michigan corridor (as defined
 18 in IC 14-13-3-2) for a marina development project. As a part of its
 19 application under subsection (b), the city must include the following:

20 (1) Written approval by the Lake Michigan marina development
 21 commission of the project to be funded by the loan proceeds.

22 (2) A written determination by the commission of the amount
 23 needed by the city, for the project and of the amount of the
 24 maximum loan amount under this subsection that should be lent
 25 to the city.

26 The maximum amount of loans available for all cities that are eligible
 27 for a loan under this subsection is eight million six hundred thousand
 28 dollars (\$8,600,000).

29 (g) A loan under this section may be made to a county having a
 30 population of more than one hundred sixty thousand (160,000) but less
 31 than two hundred thousand (200,000) for use by the airport authority
 32 in the county for the construction of runways. The amount of the loan
 33 may not exceed seven million dollars (\$7,000,000). The county may
 34 lend the proceeds of its loan to an airport authority for the public
 35 purpose of fostering economic growth in the county.

36 (h) A loan under this section may be made to a city having a
 37 population of more than fifty thousand (50,000) but less than fifty-eight
 38 thousand (58,000) for the construction of parking facilities. The
 39 amount of the loan may not exceed three million dollars (\$3,000,000).

40 (i) A loan or loans under this section may be made to a consolidated
 41 city, a local public improvement bond bank, or any board, authority, or
 42 commission of the consolidated city, to fund economic development



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1 projects under IC 36-7-15.2-5 or to refund obligations issued to fund
 2 economic development projects. The amount of the loan may not
 3 exceed thirty million dollars (\$30,000,000).

4 (j) A loan under this section may be made to a county having a
 5 population of more than twelve thousand six hundred (12,600) but less
 6 than thirteen thousand (13,000) for extension of airport runways. The
 7 amount of the loan may not exceed three hundred thousand dollars
 8 (\$300,000).

9 (k) IC 6-1.1-20 does not apply to a loan made by an entity under this
 10 section.

11 (l) As used in this section, "entity" means a governmental entity
 12 authorized to obtain a loan under subsections (e) through (j).

13 SECTION 3. IC 8-10-9-2, AS ADDED BY P.L.56-1994, SECTION
 14 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 15 1998]: Sec. 2. (a) The definitions in this section apply throughout this
 16 chapter.

17 (b) "Confined disposal facility" means a structure, an enclosure, a
 18 receptacle, or a disposal area established:

19 (1) by an agency or instrumentality of the state or federal
 20 government; and

21 (2) for the purpose of storing, retaining, disposing of, isolating, or
 22 holding dredgings or excavated material from the banks or bottom
 23 of a waterway;

24 within a district created by this chapter.

25 (c) **"Corridor" means the strip of land in Indiana abutting Lake**
 26 **Michigan and the tributaries of Lake Michigan.**

27 ~~(c)~~ (d) "District" means a waterway management district established
 28 under section 3 of this chapter.

29 ~~(d)~~ (e) "Waterway" means a canal, river, channel, or stream that is
 30 navigable for a substantial portion of its length by boats, barges, ships,
 31 or other watercraft for both commercial and recreational purposes.

32 SECTION 4. IC 8-10-9-3, AS AMENDED BY P.L.1-1995,
 33 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 1998]: Sec. 3. (a) There is established in each city to which
 35 this chapter applies a waterway management district.

36 (b) The district includes all territory, including both dry land and
 37 water, within a distance of one-half (1/2) mile on either side of the
 38 center line of any waterway within the city in which the district is
 39 established, excluding the land and water occupied by any marina
 40 owned by a unit of government located in the corridor. ~~(as defined in~~
 41 ~~IC 14-13-3-2).~~

42 (c) The district boundary is formed by an imaginary line one-half

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1 (1/2) mile distant from the center line of a waterway in all directions.
 2 However, the boundary of the district does not extend beyond the
 3 boundaries of the city in which the district is located in those areas
 4 where the city boundary is located less than one-half (1/2) mile from
 5 the center line of a waterway.

6 SECTION 5. IC 14-8-2-48, AS ADDED BY P.L.1-1995, SECTION
 7 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 8 1998]: Sec. 48. (a) "Commission", except as provided in subsections
 9 (b) through ~~(p)~~; ~~(o)~~, refers to the natural resources commission.

10 (b) "Commission", for purposes of IC 14-13-1, has the meaning set
 11 forth in IC 14-13-1-1.

12 (c) "Commission", for purposes of IC 14-13-2, has the meaning set
 13 forth in IC 14-13-2-2.

14 ~~(d) "Commission", for purposes of IC 14-13-3, has the meaning set~~
 15 ~~forth in IC 14-13-3-1.~~

16 ~~(e)~~ (d) "Commission", for purposes of IC 14-13-4, has the meaning
 17 set forth in IC 14-13-4-1.

18 ~~(f)~~ (e) "Commission", for purposes of IC 14-13-5, has the meaning
 19 set forth in IC 14-13-5-1.

20 ~~(g)~~ (f) "Commission", for purposes of IC 14-13-6, has the meaning
 21 set forth in IC 14-13-6-2.

22 ~~(h)~~ (g) "Commission", for purposes of IC 14-14-1, has the meaning
 23 set forth in IC 14-14-1-3.

24 ~~(i)~~ (h) "Commission", for purposes of IC 14-20-4, has the meaning
 25 set forth in IC 14-20-4-1.

26 ~~(j)~~ (i) "Commission", for purposes of IC 14-20-11, has the meaning
 27 set forth in IC 14-20-11-1.

28 ~~(k)~~ (j) "Commission", for purposes of IC 14-25-11, has the meaning
 29 set forth in IC 14-25-11-1.

30 ~~(l)~~ (k) "Commission", for purposes of IC 14-28-4, has the meaning
 31 set forth in IC 14-28-4-1.

32 ~~(m)~~ (l) "Commission", for purposes of IC 14-30-1, has the meaning
 33 set forth in IC 14-30-1-2.

34 ~~(n)~~ (m) "Commission", for purposes of IC 14-30-2, has the meaning
 35 set forth in IC 14-30-2-2.

36 ~~(o)~~ (n) "Commission", for purposes of IC 14-30-3, has the meaning
 37 set forth in IC 14-30-3-2.

38 ~~(p)~~ (o) "Commission", for purposes of IC 14-33-20, has the meaning
 39 set forth in IC 14-33-20-2.

40 SECTION 6. IC 14-8-2-59, AS ADDED BY P.L.1-1995, SECTION
 41 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 42 1998]: Sec. 59. "Corridor" has the following meaning:



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- 1 (†) For purposes of ~~IC 14-13-3~~, the meaning set forth in
2 ~~IC 14-13-3-2~~.
- 3 (‡) (1) For purposes of IC 14-13-4, the meaning set forth in
4 IC 14-13-4-2.
- 5 (§) (2) For purposes of IC 14-13-5, the meaning set forth in
6 IC 14-13-5-2.
- 7 (¶) (3) For purposes of IC 14-13-6, the meaning set forth in
8 IC 14-13-6-3.

9 SECTION 7. IC 14-13-3 IS REPEALED [EFFECTIVE JULY 1,
10 1998].

11 SECTION 8. [EFFECTIVE JULY 1, 1998] (a) As used in this
12 SECTION, "commission" means the Lake Michigan marina
13 development commission established under IC 14-13-3 (repealed
14 by this act).

15 (b) Notwithstanding the repeal of IC 14-13-3 by this act, the
16 commission remains in existence until the earlier of:

- 17 (1) January 1, 1999; or
- 18 (2) the date when, in the opinion of the chairman of the
19 commission, the commission's business and affairs have
20 concluded.

21 (c) The commission may only carry on business that is
22 appropriate to concluding the commission's business and affairs,
23 including the following:

- 24 (1) Preserving, protecting, and collecting the commission's
25 assets and minimizing the commission's liabilities.
- 26 (2) Discharging or making provision for discharging the
27 commission's liabilities and obligations.
- 28 (3) Transferring personal property of the commission to the
29 Indiana department of administration.
- 30 (4) After discharging the commission's liabilities and
31 obligations, the commission shall transfer the commission's
32 money as follows:

33 (A) Except as provided in clauses (B) and (C), any
34 unexpended funds received from a grant or appropriation
35 from a person, local government, organization, or other
36 entity shall be returned to the person, local government,
37 organization, or other entity that made the grant or
38 appropriation.

39 (B) Any unexpended funds received from a grant or
40 appropriation shall be transferred in accordance with any
41 applicable terms of an agreement or contract concerning
42 the disposition of the grant or appropriation.



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- 1 (C) Any unexpended funds received by grant or
- 2 appropriation from the state shall be transferred to the
- 3 state general fund.
- 4 (5) Doing every other act necessary to wind up and liquidate
- 5 the commission's business and affairs.
- 6 (d) Dissolution of the commission does not:
- 7 (1) transfer title of commission property; or
- 8 (2) change:
- 9 (A) quorum or voting requirements for the commission's
- 10 members; or
- 11 (B) provisions for selection, resignation, or removal of the
- 12 commission's members.
- 13 (e) The repeal of a statute by this act does not affect:
- 14 (1) the operation of the statute or any action taken under the
- 15 statute before its repeal;
- 16 (2) any ratification, right, remedy, privilege obligation, or
- 17 liability acquired, accrued, or incurred under the statute
- 18 before the statute's repeal; or
- 19 (3) any violation of the statute, or any penalty, forfeiture, or
- 20 punishment incurred because of the violation, before the
- 21 statute's repeal.

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