

SENATE BILL No. 232

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-7-13.

Synopsis: Elkhart County community revitalization enhancement district. Permits the Bayer building in Elkhart to be designated a community revitalization enhancement district.

Effective: July 1, 2003.

Riegsecker

January 9, 2003, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.

C
O
P
Y



First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

C
o
p
y

SENATE BILL No. 232



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

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

1 SECTION 1. IC 36-7-13-10, AS AMENDED BY P.L.170-2002,
2 SECTION 158, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) After approval by ordinance
4 or resolution of the legislative body of a municipality located in a
5 county having a population of:
6 (1) more than one hundred twenty thousand (120,000) but less
7 than one hundred thirty thousand (130,000);
8 (2) more than two hundred thousand (200,000) but less than three
9 hundred thousand (300,000); ~~or~~
10 (3) more than three hundred thousand (300,000) but less than four
11 hundred thousand (400,000); **or**
12 **(4) more than one hundred eighty-two thousand seven**
13 **hundred ninety (182,790) but less than two hundred thousand**
14 **(200,000);**
15 the executive of the municipality may submit an application to an
16 advisory commission on industrial development requesting that an area
17 within the municipality be designated as a district.



1 (b) After approval by ordinance or resolution of the legislative body
 2 of a county, the executive of the county may submit an application to
 3 an advisory commission on industrial development requesting that an
 4 area within the county, but not within a municipality, be designated as
 5 a district. However, in a county having a population of more than one
 6 hundred eighteen thousand (118,000) but less than one hundred twenty
 7 thousand (120,000), the legislative body of the county may request that
 8 an area within the county be designated as a district even if the area is
 9 within a municipality.

10 SECTION 2. IC 36-7-13-12, AS AMENDED BY P.L.170-2002,
 11 SECTION 159, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) If a municipal or county
 13 executive has submitted an application to an advisory commission on
 14 industrial development requesting that an area be designated as a
 15 district under this chapter and the advisory commission has compiled
 16 and prepared the information required under section 11 of this chapter
 17 concerning the area, the advisory commission may adopt a resolution
 18 designating the area as a district if it makes the findings described in
 19 subsection (b), (c), (d), ~~or~~ (e), **or (f)**. In a county described in
 20 subsection (c), an advisory commission may designate more than one
 21 (1) district under subsection (c).

22 (b) For an area located in a county having a population of more than
 23 one hundred twenty thousand (120,000) but less than one hundred
 24 thirty thousand (130,000), an advisory commission may adopt a
 25 resolution designating a particular area as a district only after finding
 26 all of the following:

- 27 (1) The area contains a building or buildings:
 28 (A) with at least one million (1,000,000) square feet of usable
 29 interior floor space; and
 30 (B) that is or are vacant or will become vacant due to the
 31 relocation of an employer.
 32 (2) At least one thousand (1,000) fewer persons are employed in
 33 the area than were employed in the area during the year that is ten
 34 (10) years previous to the current year.
 35 (3) There are significant obstacles to redevelopment of the area
 36 due to any of the following problems:
 37 (A) Obsolete or inefficient buildings.
 38 (B) Aging infrastructure or inefficient utility services.
 39 (C) Utility relocation requirements.
 40 (D) Transportation or access problems.
 41 (E) Topographical obstacles to redevelopment.
 42 (F) Environmental contamination.



C
o
p
y

1 (4) The unit has expended, appropriated, pooled, set aside, or
 2 pledged at least one hundred thousand dollars (\$100,000) for
 3 purposes of addressing the redevelopment obstacles described in
 4 subdivision (3).

5 (5) The area is located in a county having a population of more
 6 than one hundred twenty thousand (120,000) but less than one
 7 hundred thirty thousand (130,000).

8 (c) For a county having a population of more than one hundred
 9 eighteen thousand (118,000) but less than one hundred twenty
 10 thousand (120,000), an advisory commission may adopt a resolution
 11 designating not more than two (2) areas as districts. An advisory
 12 commission may designate an area as a district only after finding the
 13 following:

14 (1) The area meets either of the following conditions:

15 (A) The area contains a building with at least seven hundred
 16 ninety thousand (790,000) square feet, and at least eight
 17 hundred (800) fewer people are employed in the area than
 18 were employed in the area during the year that is ten (10) years
 19 previous to the current year.

20 (B) The area contains a building with at least four hundred
 21 forty thousand (440,000) square feet, and at least four hundred
 22 (400) fewer people are employed in the area than were
 23 employed in the area during the year that is ten (10) years
 24 previous to the current year.

25 (2) The area is located in or is adjacent to an industrial park.

26 (3) There are significant obstacles to redevelopment of the area
 27 due to any of the following problems:

28 (A) Obsolete or inefficient buildings.

29 (B) Aging infrastructure or inefficient utility services.

30 (C) Utility relocation requirements.

31 (D) Transportation or access problems.

32 (E) Topographical obstacles to redevelopment.

33 (F) Environmental contamination.

34 (4) The area is located in a county having a population of more
 35 than one hundred eighteen thousand (118,000) but less than one
 36 hundred twenty thousand (120,000).

37 (d) For an area located in a county having a population of more than
 38 two hundred thousand (200,000) but less than three hundred thousand
 39 (300,000), an advisory commission may adopt a resolution designating
 40 a particular area as a district only after finding all of the following:

41 (1) The area contains a building or buildings:

42 (A) with at least one million five hundred thousand

C
O
P
Y



- 1 (1,500,000) square feet of usable interior floor space; and
 2 (B) that is or are vacant or will become vacant.
- 3 (2) At least eighteen thousand (18,000) fewer persons are
 4 employed in the area at the time of application than were
 5 employed in the area before the time of application.
- 6 (3) There are significant obstacles to redevelopment of the area
 7 due to any of the following problems:
 8 (A) Obsolete or inefficient buildings.
 9 (B) Aging infrastructure or inefficient utility services.
 10 (C) Utility relocation requirements.
 11 (D) Transportation or access problems.
 12 (E) Topographical obstacles to redevelopment.
 13 (F) Environmental contamination.
- 14 (4) The unit has expended, appropriated, pooled, set aside, or
 15 pledged at least one hundred thousand dollars (\$100,000) for
 16 purposes of addressing the redevelopment obstacles described in
 17 subdivision (3).
- 18 (5) The area is located in a county having a population of more
 19 than two hundred thousand (200,000) but less than three hundred
 20 thousand (300,000).
- 21 (e) For an area located in a county having a population of more than
 22 three hundred thousand (300,000) but less than four hundred thousand
 23 (400,000), an advisory commission may adopt a resolution designating
 24 a particular area as a district only after finding all of the following:
 25 (1) The area contains a building or buildings:
 26 (A) with at least eight hundred thousand (800,000) gross
 27 square feet; and
 28 (B) having leasable floor space, at least fifty percent (50%) of
 29 which is or will become vacant.
- 30 (2) There are significant obstacles to redevelopment of the area
 31 due to any of the following problems:
 32 (A) Obsolete or inefficient buildings as evidenced by a decline
 33 of at least seventy-five percent (75%) in their assessed
 34 valuation during the preceding ten (10) years.
 35 (B) Transportation or access problems.
 36 (C) Environmental contamination.
- 37 (3) At least four hundred (400) fewer persons are employed in the
 38 area than were employed in the area during the year that is fifteen
 39 (15) years previous to the current year.
- 40 (4) The area has been designated as an economic development
 41 target area under IC 6-1.1-12.1-7.
- 42 (5) The unit has appropriated, pooled, set aside, or pledged at

C
 o
 p
 y



1 least two hundred fifty thousand dollars (\$250,000) for purposes
2 of addressing the redevelopment obstacles described in
3 subdivision (2).

4 (6) The area is located in a county having a population of more
5 than three hundred thousand (300,000) but less than four hundred
6 thousand (400,000).

7 (f) **For an area located in a county having a population of more
8 than one hundred eighty-two thousand seven hundred ninety
9 (182,790) but less than two hundred thousand (200,000), an
10 advisory commission may adopt a resolution designating a
11 particular area as a district only after finding all of the following:**

12 (1) **The area contains a building or buildings:**

13 (A) **with at least one million (1,000,000) square feet of
14 usable interior floor space; and**

15 (B) **that is or are vacant or will become vacant due to the
16 relocation of an employer.**

17 (2) **At least one thousand (1,000) fewer persons are employed
18 in the area than were employed in the area during the year
19 that is ten (10) years previous to the current year.**

20 (3) **There are significant obstacles to redevelopment of the
21 area due to any of the following problems:**

22 (A) **Obsolete or inefficient buildings.**

23 (B) **Aging infrastructure or inefficient utility services.**

24 (C) **Utility relocation requirements.**

25 (D) **Transportation or access problems.**

26 (E) **Topographical obstacles to redevelopment.**

27 (F) **Environmental contamination.**

28 (4) **The unit has expended, appropriated, pooled, set aside, or
29 pledged at least one hundred thousand dollars (\$100,000) for
30 purposes of addressing the redevelopment obstacles described
31 in subdivision (3).**

32 (5) **The area is located in a county having a population of
33 more than one hundred eighty-two thousand seven hundred
34 ninety (182,790) but less than two hundred thousand
35 (200,000).**

36 (g) **The advisory commission, or the county or municipal legislative
37 body, in the case of a district designated under section 10.5 of this
38 chapter, shall designate the duration of the district, but the duration
39 may not exceed fifteen (15) years (at the time of designation).**

40 (g) (h) **Upon adoption of a resolution designating a district, the
41 advisory commission shall submit the resolution to the budget
42 committee for review and recommendation to the budget agency.**

C
o
p
y



- 1 (†) (i) When considering a resolution, the budget committee and the
- 2 budget agency must make the following findings:
- 3 (1) The area to be designated as a district meets the conditions
- 4 necessary for designation as a district.
- 5 (2) The designation of the district will benefit the people of
- 6 Indiana by protecting or increasing state and local tax bases and
- 7 tax revenues for at least the duration of the district.
- 8 (†) (j) The income tax incremental amount and the gross retail
- 9 incremental amount may not be allocated to the district until the budget
- 10 agency approves the resolution.

C
o
p
y

