

Second Regular Session 114th General Assembly (2006)

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 2005 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 87

AN ACT to amend the Indiana Code concerning state offices and administration.

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

SECTION 1. IC 4-4-2.4 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]:

Chapter 2.4. Duties of Lieutenant Governor Relating to Energy Policy

Sec. 1. The office of the lieutenant governor shall carry out the duties relating to energy policy that were carried out by the department of commerce (before its abolishment in 2005).

Sec. 2. The office of the lieutenant governor may adopt rules under IC 4-22-2 to carry out the duties, purposes, and functions of the office of the lieutenant governor relating to:

- (1) energy policy under section 1 of this chapter;**
- (2) the administration of the center for coal technology research under IC 4-4-30-5.5; and**
- (3) the Indiana recycling and energy development board under IC 4-23-5.5-6.5.**

SECTION 2. IC 4-4-9.7-1, AS ADDED BY P.L.83-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter, "director" refers to the director of the office of **community and** rural affairs appointed under section 5 of this chapter.

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SECTION 3. IC 4-4-9.7-2, AS ADDED BY P.L.83-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "office" refers to the office of **community and** rural affairs established by section 4 of this chapter.

SECTION 4. IC 4-4-9.7-4, AS ADDED BY P.L.83-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The office of **community and** rural affairs is established.

SECTION 5. IC 4-4-9.7-6, AS ADDED BY P.L.83-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. The office shall do the following:

- (1) Administer the rural **economic** development fund under ~~IC 4-4-9. section 9 of this chapter.~~
- (2) ~~Administer the rural development administration fund under IC 4-4-9.3.~~
- (3) ~~Provide administrative and staff support for the Indiana rural development council under IC 4-4-9.5.~~
- (4) (2) Administer the Indiana main street program under IC 4-4-16.
- (5) (3) Administer the community development block grant program.
- (6) Administer the duties of the high speed communications director.

SECTION 6. IC 4-4-9.7-7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7. The office may adopt rules under IC 4-22-2 to carry out the duties, purposes, and functions of this chapter.**

SECTION 7. IC 4-4-9.7-8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. The director shall establish a board to advise the office in the implementation of the duties of the office.**

SECTION 8. IC 4-4-9.7-9 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. (a) The rural economic development fund is established for the purpose of enhancing and developing rural communities. The fund shall be administered by the office.**

(b) The expenses of administering the fund shall be paid from the money in the fund.

(c) Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund under IC 5-10.3-5. The treasurer of state may contract

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with investment management professionals, investment advisers, and legal counsel to assist in the management of the fund and may pay the state expenses incurred under those contracts.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) Money in the fund may be used for the following purposes:

(1) To create, assess, and assist a pilot project to enhance the economic and community development in a rural area.

(2) To establish a local revolving loan fund for:

- (A) an industrial;
- (B) a commercial;
- (C) an agricultural; or
- (D) a tourist;

venture.

(3) To provide a loan for an economic development project in a rural area.

(4) To provide technical assistance to a rural organization.

(5) To assist in the development and creation of a rural cooperative.

(6) To address rural workforce development challenges.

(7) To assist in addressing telecommunications needs in a rural area.

(8) To provide funding for rural economic development projects concerning the following issues:

- (A) Infrastructure, including water, wastewater, and storm water infrastructure needs.
- (B) Housing.
- (C) Health care.
- (D) Local planning.
- (E) Land use.
- (F) Other rural economic development issues, as determined by the office.

(9) To provide funding for the establishment of new regional rural development groups and the operation of existing regional rural development groups.

(f) Expenditures from the fund are subject to appropriation by the general assembly and approval by the office.

SECTION 9. IC 4-4-30-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. The office of the lieutenant governor may adopt rules under IC 4-22-2 to carry out the duties, purposes, and functions of the center.**

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SECTION 10. IC 4-12-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The tobacco farmers and rural community impact fund advisory board is established. The advisory board shall meet at least quarterly and at the call of the ~~commissioner of agriculture~~ **director of the department of agriculture** to make recommendations concerning expenditures of money from the fund.

(b) The advisory board consists of the following:

- (1) The ~~commissioner of agriculture~~, **director of the department of agriculture**, who is an ex officio member and serves as chairperson of the advisory board.
- (2) Two (2) members of the senate, who may not be members of the same political party, appointed by the president pro tempore of the senate.
- (3) Two (2) members of the house of representatives, who may not be members of the same political party, appointed by the speaker of the house of representatives.
- (4) The following appointees by the governor who represent the following organizations or interests:
 - (A) Two (2) tobacco growers.
 - (B) One (1) tobacco quota owner.
 - (C) Two (2) persons with knowledge and experience in state and regional economic development needs.
 - (D) One (1) person representing small towns or rural communities.
 - ~~(E) One (1) person representing the Indiana Rural Development Council.~~
 - ~~(F)~~ **(E)** One (1) person representing the Southern Indiana Rural Development Project.
 - ~~(G)~~ **(F)** One (1) person representing agricultural programs at universities located in Indiana.

The members of the advisory board listed in subdivisions (1) through (3) are nonvoting members. The members of the advisory board listed in subdivision (4) are voting members.

(c) The term of office of a legislative member of the advisory board is four (4) years. However, a legislative member of the advisory board ceases to be a member of the advisory board if the member:

- (1) is no longer a member of the chamber from which the member was appointed; or
- (2) is removed from the advisory board under subsection (d).

(d) A legislative member of the advisory board may be removed at any time by the appointing authority who appointed the legislative

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member.

(e) The term of office of a member of the advisory board appointed under subsection ~~(a)(4)~~ **(b)(4)** is four (4) years. However, these members serve at the pleasure of the governor and may be removed for any reason.

(f) If a vacancy exists on the advisory board with respect to a legislative member or the members appointed under subsection ~~(a)(4)~~; **(b)(4)**, the appointing authority who appointed the former member whose position has become vacant shall appoint an individual to fill the vacancy for the balance of the unexpired term.

(g) Five (5) voting members of the advisory board constitute a quorum for the transaction of business at a meeting of the advisory board. The affirmative vote of at least five (5) voting members of the advisory board is necessary for the advisory board to take action.

(h) Each member of the advisory board who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(i) Each member of the advisory board who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(j) Each member of the advisory board who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

(k) Payments authorized for members of the advisory board under subsections (h) through (i) are payable from the tobacco farmers and rural community impact fund.

SECTION 11. IC 4-23-5.5-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. The office of the lieutenant governor may adopt rules under IC 4-22-2 to carry out**

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the duties, purposes, and functions of this chapter.

SECTION 12. IC 5-29-4-2, AS ADDED BY P.L.229-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The council consists of the following members:

- (1) The lieutenant governor.
- (2) Two (2) members of the senate, who may not be members of the same political party, appointed by the president pro tempore of the senate, for a term of one (1) year.
- (3) Two (2) members of the house of representatives, who may not be members of the same political party, appointed by the speaker of the house of representatives, for a term of one (1) year.
- (4) Six (6) regional tourism industry representatives, appointed by the respective tourism regions, for a term of one (1) year.
- (5) Twelve (12) representatives of the private sector, appointed by the governor, for a term of two (2) years. One (1) representative must own or operate an agritourism business.
- (6) The director.
- (7) The commissioner of the Indiana department of transportation.
- (8) The director of the department of natural resources.
- (9) A member appointed by the Indiana Hotel and Lodging Association, for a term of one (1) year.
- (10) A member appointed by the Restaurant and Hospitality Association of Indiana, for a term of one (1) year.
- (11) A member appointed by the Association of Indiana Convention and Visitor Bureaus, for a term of one (1) year.
- (12) A member appointed by the Council of Indiana Attractions, for a term of one (1) year.
- (13) A member appointed by the Indiana Gaming Association, for a term of one (1) year.
- (14) A member appointed by the Recreation Vehicle Indiana Council, for a term of one (1) year.
- (15) A member appointed by the Indiana Bed and Breakfast Association, for a term of one (1) year.
- (16) A member appointed by the Indiana State Festival Association, for a term of one (1) year.
- (17) A member who lives in a rural community and is interested in agritourism, appointed by the Indiana rural development council, for a term of one (1) year.

SECTION 13. IC 5-29-4-3, AS ADDED BY P.L.229-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) ~~Eighteen (18)~~ **Seventeen (17)** members

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of the council constitute a quorum.

(b) The affirmative votes of a majority of the members appointed to the council are required for the council to take action.

(c) The lieutenant governor shall serve as chairperson of the council.

(d) The council shall adopt written procedures to govern the transaction of business by the council.

(e) A member of the council who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also not entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties.

SECTION 14. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 4-4-9; IC 4-4-9.3; IC 4-4-9.5.

SECTION 15. [EFFECTIVE UPON PASSAGE] (a) For purposes of this SECTION, "fund" means the rural development administration fund under IC 4-4-9.3-2, before its repeal by this act.

(b) The:

- (1) balance of;
- (2) appropriations made to; and
- (3) obligations of;

the fund are transferred to the rural economic development fund established by IC 4-4-9.7-9, as added by this act.

(c) This SECTION expires July 1, 2007.

SECTION 16. [EFFECTIVE UPON PASSAGE] (a) For purposes of this SECTION, "fund" means the rural development council fund under IC 4-4-9.5-4, before its repeal by this act.

(b) The:

- (1) balance of;
- (2) appropriations made to; and
- (3) obligations of;

the fund are transferred to the rural economic development fund established in IC 4-4-9.7-9, as added by this act.

(c) This SECTION expires July 1, 2007.

SECTION 17. IC 15-9-2-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.5. The department may adopt rules under IC 4-22-2 to carry out the duties, purposes, and functions of the department.**

SECTION 18. An emergency is declared for this act.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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