



January 18, 2008

HOUSE BILL No. 1045

DIGEST OF HB 1045 (Updated January 16, 2008 6:42 pm - DI 14)

Citations Affected: IC 14-8; IC 14-21; noncode.

Synopsis: Courthouse preservation advisory commission. Establishes the courthouse preservation advisory commission. Requires the commission to provide assistance for courthouse related projects. Establishes the courthouse preservation fund. Requires the commission to submit a report to the legislative council. Makes conforming changes.

Effective: July 1, 2008.

Bischoff, Koch

January 8, 2008, read first time and referred to Committee on Natural Resources.
January 17, 2008, amended, reported — Do Pass.

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HB 1045—LS 6254/DI 77+



January 18, 2008

Second Regular Session 115th General Assembly (2008)

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 2007 Regular Session of the General Assembly.

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HOUSE BILL No. 1045

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 14-8-2-48 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 48. (a) "Commission",
3 except as provided in subsections (b) through (p); (r), refers to the
4 natural resources commission.
5 (b) "Commission", for purposes of IC 14-13-1, has the meaning set
6 forth in IC 14-13-1-1.
7 (c) "Commission", for purposes of IC 14-13-2, has the meaning set
8 forth in IC 14-13-2-2.
9 (d) "Commission", for purposes of IC 14-13-3, has the meaning set
10 forth in IC 14-13-3-1.
11 (e) "Commission", for purposes of IC 14-13-4, has the meaning set
12 forth in IC 14-13-4-1.
13 (f) "Commission", for purposes of IC 14-13-5, has the meaning set
14 forth in IC 14-13-5-1.
15 (g) "Commission", for purposes of IC 14-13-6, has the meaning set
16 forth in IC 14-13-6-2.
17 (h) "Commission", for purposes of IC 14-14-1, has the meaning set

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1 forth in IC 14-14-1-3.
2 (i) "Commission", for purposes of IC 14-20-4, has the meaning set
3 forth in IC 14-20-4-1.
4 (j) "Commission", for purposes of IC 14-20-11, has the meaning set
5 forth in IC 14-20-11-1.
6 **(k) "Commission", for purposes of IC 14-21-4, has the meaning**
7 **set forth in IC 14-21-4-1.**
8 ~~(k)~~ **(l)** "Commission", for purposes of IC 14-25-11, has the meaning
9 set forth in IC 14-25-11-1.
10 ~~(l)~~ **(m)** "Commission", for purposes of IC 14-28-4, has the meaning
11 set forth in IC 14-28-4-1.
12 ~~(m)~~ **(n)** "Commission", for purposes of IC 14-30-1, has the meaning
13 set forth in IC 14-30-1-2.
14 ~~(n)~~ **(o)** "Commission", for purposes of IC 14-30-2, has the meaning
15 set forth in IC 14-30-2-2.
16 ~~(o)~~ **(p)** "Commission", for purposes of IC 14-30-3, has the meaning
17 set forth in IC 14-30-3-2.
18 ~~(p)~~ **(q)** "Commission", for purposes of IC 14-30-4, has the meaning
19 set forth in IC 14-30-4-2.
20 ~~(q)~~ **(r)** "Commission", for purposes of IC 14-33-20, has the meaning
21 set forth in IC 14-33-20-2.
22 SECTION 2. IC 14-8-2-77, AS AMENDED BY P.L.1-2006,
23 SECTION 207, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2008]: Sec. 77. "Division" has the following
25 meaning:
26 (1) For purposes of IC 14-9-8, the meaning set forth in
27 IC 14-9-8-2.
28 (2) For purposes of IC 14-20-1, the meaning set forth in
29 IC 14-20-1-2.
30 (3) For purposes of ~~IC 14-21-1~~, **IC 14-21**, the meaning set forth
31 in ~~IC 14-21-1-6~~: **division of historic preservation and**
32 **archeology.**
33 (4) For purposes of IC 14-22, the division of fish and wildlife.
34 (5) For purposes of IC 14-24, the division of entomology and
35 plant pathology.
36 (6) For purposes of IC 14-25.5, the division of water.
37 (7) For purposes of IC 14-31-2, the meaning set forth in
38 IC 14-31-2-4.
39 (8) For purposes of IC 14-32, the division of soil conservation of
40 the department of agriculture established by IC 15-9-4-1.
41 (9) For purposes of IC 14-37, the division of oil and gas.
42 SECTION 3. IC 14-21-4 IS ADDED TO THE INDIANA CODE AS

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A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 4. Courthouse Preservation Advisory Commission

Sec. 1. As used in this chapter, "commission" refers to the courthouse preservation advisory commission established by section 2 of this chapter.

Sec. 2. The courthouse preservation advisory commission is established.

Sec. 3. (a) The commission consists of the following individuals:

- (1) Two (2) employees of the division.**
- (2) Two (2) licensed architects with experience in building preservation.**
- (3) Two (2) registered professional engineers with experience in building preservation.**
- (4) One (1) architectural historian.**
- (5) One (1) county commissioner.**
- (6) One (1) representative of a local community foundation.**
- (7) Two (2) members of the Historic Landmarks Foundation of Indiana.**
- (8) One (1) representative of the Association of Indiana Counties.**
- (9) One (1) representative of the Indiana Association of County Commissioners.**
- (10) One (1) judge of a county, superior, or circuit court.**
- (11) The chief justice of the Indiana supreme court or the chief justice's representative.**
- (12) The director of the office of community and rural affairs or the director's representative.**

(b) Members appointed under subsection (a)(1) through (a)(9) shall be appointed by the governor.

(c) A member appointed under subsection (a)(10) shall be appointed by the chief justice of the Indiana supreme court.

Sec. 4. (a) Members appointed under section 3(a)(1) through 3(a)(10) of this chapter serve for a term of three (3) years beginning July 1 the year of their appointment. However, a member appointed to fill a vacancy on the commission shall serve for the remainder of the unexpired term.

(b) Each appointed member of the commission serves at the pleasure of the appointing authority.

(c) The governor shall appoint a member of the commission to serve as the commission's chairperson.

Sec. 5. A member of the commission is not entitled to a

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1 minimum salary per diem provided by IC 4-10-11-2.1(b). The
2 member is, however, entitled to reimbursement for traveling
3 expenses as provided under IC 4-13-1-4 and other expenses
4 actually incurred in connection with the member's duties as
5 provided in the state policies and procedures established by the
6 Indiana department of administration and approved by the budget
7 agency.

8 Sec. 6. (a) The division shall provide staff and administrative
9 support for the commission.

10 (b) Expenses incurred under this chapter shall be paid from
11 funds appropriated to the department.

12 Sec. 7. The affirmative votes of at least nine (9) members of the
13 commission are required for the commission to take any official
14 action, including issuing reports.

15 Sec. 8. The commission shall do the following:

16 (1) Upon request by county officials, travel to county
17 courthouses to assess potential courthouse rehabilitation
18 projects. The assessments may include providing an appraisal
19 of the condition of the courthouse and rehabilitation cost
20 estimates.

21 (2) Provide early coordination for courthouse rehabilitation
22 projects to encourage proper preservation practices.

23 (3) Review and provide recommendations on plans for
24 courthouse related projects.

25 (4) Provide county officials with information concerning
26 funding sources for courthouse preservation projects.

27 (5) Meet at least once each quarter.

28 Sec. 9. (a) The courthouse preservation fund is established to
29 provide matching grants for courthouse rehabilitation projects.
30 The division shall administer the fund.

31 (b) The fund consists of:

32 (1) money appropriated by the general assembly;

33 (2) appropriations to the fund from other sources; and

34 (3) grants, gifts, and donations intended for deposit in the
35 fund.

36 (c) The treasurer of state shall invest the money in the fund not
37 currently needed to meet the obligations of the fund in the same
38 manner as other public funds may be invested.

39 (d) The money in the fund at the end of a state fiscal year does
40 not revert to the state general fund but remains in the fund to be
41 used exclusively for purposes of this chapter.

42 SECTION 4. IC 14-21-1-6 IS REPEALED [EFFECTIVE JULY 1,

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1 2008].

2 SECTION 5. [EFFECTIVE JULY 1, 2008] (a) As used in this
3 SECTION, "commission" refers to the courthouse preservation
4 advisory commission established by IC 14-21-4-2, as added by this
5 act.

6 (b) Notwithstanding IC 14-21-4-4, as added by this act, the
7 initial members of the commission shall be appointed to terms as
8 follows:

9 (1) One (1) member appointed under IC 14-21-4-3(a)(1), as
10 added by this act, for a term of three (3) years.

11 (2) One (1) member appointed under IC 14-21-4-3(a)(2), as
12 added by this act, for a term of three (3) years.

13 (3) One (1) member appointed under IC 14-21-4-3(a)(3), as
14 added by this act, for a term of three (3) years.

15 (4) One (1) member appointed under IC 14-21-4-3(a)(4), as
16 added by this act, for a term of three (3) years.

17 (5) One (1) member appointed under IC 14-21-4-3(a)(7), as
18 added by this act, for a term of three (3) years.

19 (6) One (1) member appointed under IC 14-21-4-3(a)(5), as
20 added by this act, for a term of two (2) years.

21 (7) One (1) member appointed under IC 14-21-4-3(a)(6), as
22 added by this act, for a term of two (2) years.

23 (8) One (1) member appointed under IC 14-21-4-3(a)(7), as
24 added by this act, for a term of two (2) years.

25 (9) One (1) member appointed under IC 14-21-4-3(a)(8), as
26 added by this act, for a term of two (2) years.

27 (10) One (1) member appointed under IC 14-21-4-3(a)(1), as
28 added by this act, for a term of one (1) year.

29 (11) One (1) member appointed under IC 14-21-4-3(a)(2), as
30 added by this act, for a term of one (1) year.

31 (12) One (1) member appointed under IC 14-21-4-3(a)(3), as
32 added by this act, or a term of one (1) year.

33 (13) One (1) member appointed under IC 14-21-4-3(a)(9), as
34 added by this act, for a term of one (1) year.

35 (14) One (1) member appointed under IC 14-21-4-3(a)(10), as
36 added by this act, for a term of one (1) year.

37 (c) Notwithstanding IC 14-21-4-4, as added by this act, initial
38 appointments under subsection (b) must be made not later than
39 August 1, 2008.

40 (d) The commission shall do the following:

41 (1) Investigate the need, benefit, and importance of preserving
42 courthouses in Indiana.

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- 1 **(2) Study the condition of courthouse buildings in Indiana.**
- 2 **(3) Study the needs of county officials to assist in the**
- 3 **restoration, rehabilitation, and maintenance of courthouses.**
- 4 **(4) Submit a report to the legislative council before August 1,**
- 5 **2011, that includes the commission's findings and**
- 6 **recommendations concerning the topics in subdivisions (1)**
- 7 **through (3). The report must be in an electronic format under**
- 8 **IC 5-14-6.**
- 9 **(e) This SECTION expires July 1, 2012.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1045, 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 3, line 13, delete "structural" and insert "**registered professional**".

Page 4, line 16, delete "Travel" and insert "**Upon request by county officials, travel**".

Page 4, line 22, delete "architectural".

and when so amended that said bill do pass.

(Reference is to HB 1045 as introduced.)

BISCHOFF, Chair

Committee Vote: yeas 11, nays 0.

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