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# HOUSE BILL No. 1045

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 14-8-2; IC 14-21-1-6; IC 14-21-4.

**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.

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January 8, 2008, read first time and referred to Committee on Natural Resources.

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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



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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1 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
2 1, 2008]:

3 **Chapter 4. Courthouse Preservation Advisory Commission**

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

7 **Sec. 2. The courthouse preservation advisory commission is**  
8 **established.**

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

- 10 (1) **Two (2) employees of the division.**
- 11 (2) **Two (2) licensed architects with experience in building**
- 12 **preservation.**
- 13 (3) **Two (2) structural engineers with experience in building**
- 14 **preservation.**
- 15 (4) **One (1) architectural historian.**
- 16 (5) **One (1) county commissioner.**
- 17 (6) **One (1) representative of a local community foundation.**
- 18 (7) **Two (2) members of the Historic Landmarks Foundation**
- 19 **of Indiana.**
- 20 (8) **One (1) representative of the Association of Indiana**
- 21 **Counties.**
- 22 (9) **One (1) representative of the Indiana Association of**
- 23 **County Commissioners.**
- 24 (10) **One (1) judge of a county, superior, or circuit court.**
- 25 (11) **The chief justice of the Indiana supreme court or the**
- 26 **chief justice's representative.**
- 27 (12) **The director of the office of community and rural affairs**
- 28 **or the director's representative.**

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

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

33 **Sec. 4. (a) Members appointed under section 3(a)(1) through**  
34 **3(a)(10) of this chapter serve for a term of three (3) years**  
35 **beginning July 1 the year of their appointment. However, a**  
36 **member appointed to fill a vacancy on the commission shall serve**  
37 **for the remainder of the unexpired term.**

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

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

42 **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) Travel to county courthouses to assess potential  
 17 courthouse rehabilitation projects. The assessments may  
 18 include providing an appraisal of the condition of the  
 19 courthouse and rehabilitation cost estimates.

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

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

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

26 (5) Meet at least once each quarter.

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

30 (b) The fund consists of:

31 (1) money appropriated by the general assembly;

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

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

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

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

41 SECTION 4. IC 14-21-1-6 IS REPEALED [EFFECTIVE JULY 1,  
 42 2008].

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

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

- 8 (1) One (1) member appointed under IC 14-21-4-3(a)(1), as  
9 added by this act, for a term of three (3) years.
- 10 (2) One (1) member appointed under IC 14-21-4-3(a)(2), as  
11 added by this act, for a term of three (3) years.
- 12 (3) One (1) member appointed under IC 14-21-4-3(a)(3), as  
13 added by this act, for a term of three (3) years.
- 14 (4) One (1) member appointed under IC 14-21-4-3(a)(4), as  
15 added by this act, for a term of three (3) years.
- 16 (5) One (1) member appointed under IC 14-21-4-3(a)(7), as  
17 added by this act, for a term of three (3) years.
- 18 (6) One (1) member appointed under IC 14-21-4-3(a)(5), as  
19 added by this act, for a term of two (2) years.
- 20 (7) One (1) member appointed under IC 14-21-4-3(a)(6), as  
21 added by this act, for a term of two (2) years.
- 22 (8) One (1) member appointed under IC 14-21-4-3(a)(7), as  
23 added by this act, for a term of two (2) years.
- 24 (9) One (1) member appointed under IC 14-21-4-3(a)(8), as  
25 added by this act, for a term of two (2) years.
- 26 (10) One (1) member appointed under IC 14-21-4-3(a)(1), as  
27 added by this act, for a term of one (1) year.
- 28 (11) One (1) member appointed under IC 14-21-4-3(a)(2), as  
29 added by this act, for a term of one (1) year.
- 30 (12) One (1) member appointed under IC 14-21-4-3(a)(3), as  
31 added by this act, or a term of one (1) year.
- 32 (13) One (1) member appointed under IC 14-21-4-3(a)(9), as  
33 added by this act, for a term of one (1) year.
- 34 (14) One (1) member appointed under IC 14-21-4-3(a)(10), as  
35 added by this act, for a term of one (1) year.

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

- 39 (d) The commission shall do the following:
  - 40 (1) Investigate the need, benefit, and importance of preserving  
41 courthouses in Indiana.
  - 42 (2) Study the condition of courthouse buildings in Indiana.

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

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