



January 22, 2010

HOUSE BILL No. 1130

DIGEST OF HB 1130 (Updated January 20, 2010 1:08 pm - DI 103)

Citations Affected: IC 36-7.

Synopsis: CRED districts. Authorizes a third area in Delaware County for designation as a community revitalization enhancement district (CRED). Provides that the area must contain a building with at least 1,000,000 square feet, and that at least 700 fewer people are employed in the area than were employed in the area on January 1, 2008.

Effective: Upon passage.

Tyler, Lutz

January 7, 2010, read first time and referred to Committee on Small Business and Economic Development.
January 21, 2010, reported — Do Pass.

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HB 1130—LS 7000/DI 92+



January 22, 2010

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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HOUSE BILL No. 1130



A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

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

1 SECTION 1. IC 36-7-13-12, AS AMENDED BY P.L.199-2005,
2 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 12. (a) If a municipal or county executive has
4 submitted an application to an advisory commission on industrial
5 development requesting that an area be designated as a district under
6 this chapter and the advisory commission has compiled and prepared
7 the information required under section 11 of this chapter concerning
8 the area, the advisory commission may adopt a resolution designating
9 the area as a district if it makes the findings described in subsection (b),
10 (c), (d), or (e). In a county described in subsection (c), an advisory
11 commission may designate more than one (1) district under subsection
12 (c).

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

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- 1 (1) The area contains a building or buildings:
- 2 (A) with at least one million (1,000,000) square feet of usable
- 3 interior floor space; and
- 4 (B) that is or are vacant or will become vacant due to the
- 5 relocation of an employer.
- 6 (2) At least one thousand (1,000) fewer persons are employed in
- 7 the area than were employed in the area during the year that is ten
- 8 (10) years previous to the current year.
- 9 (3) There are significant obstacles to redevelopment of the area
- 10 due to any of the following problems:
- 11 (A) Obsolete or inefficient buildings.
- 12 (B) Aging infrastructure or inefficient utility services.
- 13 (C) Utility relocation requirements.
- 14 (D) Transportation or access problems.
- 15 (E) Topographical obstacles to redevelopment.
- 16 (F) Environmental contamination.
- 17 (4) The unit has expended, appropriated, pooled, set aside, or
- 18 pledged at least one hundred thousand dollars (\$100,000) for
- 19 purposes of addressing the redevelopment obstacles described in
- 20 subdivision (3).
- 21 (5) The area is located in a county having a population of more
- 22 than one hundred twenty thousand (120,000) but less than one
- 23 hundred thirty thousand (130,000).
- 24 (c) For a county having a population of more than one hundred
- 25 eighteen thousand (118,000) but less than one hundred twenty
- 26 thousand (120,000), an advisory commission may adopt a resolution
- 27 designating not more than ~~two (2)~~ **three (3)** areas as districts. An
- 28 advisory commission may designate an area as a district only after
- 29 finding the following:
- 30 (1) The area meets ~~either~~ **at least one (1)** of the following
- 31 conditions:
- 32 (A) **The area meets the following conditions:**
- 33 (i) The area contains a building with at least seven hundred
- 34 ninety thousand (790,000) square feet. ~~and~~
- 35 (ii) At least eight hundred (800) fewer people are employed
- 36 in the area than were employed in the area during the year
- 37 that is fifteen (15) years previous to the current year.
- 38 (iii) **The area is located in or is adjacent to an industrial**
- 39 **park.**
- 40 (B) **The area meets the following conditions:**
- 41 (i) The area contains a building with at least three hundred
- 42 eighty-six thousand (386,000) square feet. ~~and~~

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- 1 (ii) At least four hundred (400) fewer people are employed
- 2 in the area than were employed in the area during the year
- 3 that is fifteen (15) years previous to the current year.
- 4 **(iii) The area is located in or is adjacent to an industrial**
- 5 **park.**
- 6 **(C) The area meets the following conditions:**
- 7 **(i) The area contains a building with at least one million**
- 8 **(1,000,000) square feet.**
- 9 **(ii) At least seven hundred (700) fewer people are**
- 10 **employed in the area than were employed in the area on**
- 11 **January 1, 2008.**
- 12 ~~(2) The area is located in or is adjacent to an industrial park.~~
- 13 ~~(3) (2) There are significant obstacles to redevelopment of the~~
- 14 ~~area due to any of the following problems:~~
- 15 ~~(A) Obsolete or inefficient buildings.~~
- 16 ~~(B) Aging infrastructure or inefficient utility services.~~
- 17 ~~(C) Utility relocation requirements.~~
- 18 ~~(D) Transportation or access problems.~~
- 19 ~~(E) Topographical obstacles to redevelopment.~~
- 20 ~~(F) Environmental contamination.~~
- 21 ~~(4) (3) The area is located in a county having a population of~~
- 22 ~~more than one hundred eighteen thousand (118,000) but less than~~
- 23 ~~one hundred twenty thousand (120,000).~~
- 24 (d) For an area located in a county having a population of more than
- 25 two hundred thousand (200,000) but less than three hundred thousand
- 26 (300,000), an advisory commission may adopt a resolution designating
- 27 a particular area as a district only after finding all of the following:
- 28 (1) The area contains a building or buildings:
- 29 (A) with at least one million five hundred thousand
- 30 (1,500,000) square feet of usable interior floor space; and
- 31 (B) that is or are vacant or will become vacant.
- 32 (2) At least eighteen thousand (18,000) fewer persons are
- 33 employed in the area at the time of application than were
- 34 employed in the area before the time of application.
- 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.

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- 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 two hundred thousand (200,000) but less than three hundred
- 7 thousand (300,000).
- 8 (e) For an area located in a county having a population of more than
- 9 three hundred thousand (300,000) but less than four hundred thousand
- 10 (400,000), an advisory commission may adopt a resolution designating
- 11 a 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 eight hundred thousand (800,000) gross
- 14 square feet; and
- 15 (B) having leasable floor space, at least fifty percent (50%) of
- 16 which is or will become vacant.
- 17 (2) There are significant obstacles to redevelopment of the area
- 18 due to any of the following problems:
- 19 (A) Obsolete or inefficient buildings as evidenced by a decline
- 20 of at least seventy-five percent (75%) in their assessed
- 21 valuation during the preceding ten (10) years.
- 22 (B) Transportation or access problems.
- 23 (C) Environmental contamination.
- 24 (3) At least four hundred (400) fewer persons are employed in the
- 25 area than were employed in the area during the year that is fifteen
- 26 (15) years previous to the current year.
- 27 (4) The area has been designated as an economic development
- 28 target area under IC 6-1.1-12.1-7.
- 29 (5) The unit has appropriated, pooled, set aside, or pledged at
- 30 least two hundred fifty thousand dollars (\$250,000) for purposes
- 31 of addressing the redevelopment obstacles described in
- 32 subdivision (2).
- 33 (6) The area is located in a county having a population of more
- 34 than three hundred thousand (300,000) but less than four hundred
- 35 thousand (400,000).
- 36 (f) 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. However, a district
- 39 must terminate not later than fifteen (15) years after the income tax
- 40 incremental amount or gross retail incremental amount is first allocated
- 41 to the district.
- 42 (g) Upon adoption of a resolution designating a district, the advisory

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1 commission shall:

2 (1) publish notice of the adoption and substance of the resolution

3 in accordance with IC 5-3-1; and

4 (2) file the following information with each taxing unit in the

5 county where the district is located:

6 (A) A copy of the notice required by subdivision (1).

7 (B) A statement disclosing the impact of the district, including

8 the following:

9 (i) The estimated economic benefits and costs incurred by

10 the district, as measured by increased employment and

11 anticipated growth of property assessed values.

12 (ii) The anticipated impact on tax revenues of each taxing

13 unit.

14 The notice must state the general boundaries of the district.

15 (h) Upon completion of the actions required by subsection (g), the

16 advisory commission shall submit the resolution to the budget

17 committee for review and recommendation to the budget agency. If the

18 budget agency fails to take action on a resolution designating a district

19 within one hundred twenty (120) days after the date that the resolution

20 is submitted to the budget committee, the designation of the district by

21 the resolution is considered approved.

22 (i) When considering a resolution, the budget committee and the

23 budget agency must make the following findings:

24 (1) The area to be designated as a district meets the conditions

25 necessary for designation as a district.

26 (2) The designation of the district will benefit the people of

27 Indiana by protecting or increasing state and local tax bases and

28 tax revenues for at least the duration of the district.

29 (j) The income tax incremental amount and the gross retail

30 incremental amount may not be allocated to the district until the

31 resolution is approved under this section.

32 **SECTION 2. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Small Business and Economic Development, to which was referred House Bill 1130, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

RESKE, Chair

Committee Vote: yeas 11, nays 0.

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