

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1007 be amended to read as follows:

- 1 Page 184, between lines 29 and 30, begin a new paragraph and
- 2 insert:
- 3 "SECTION 127. IC 36-7-14-15, AS AMENDED BY P.L.146-2008,
- 4 SECTION 725, IS AMENDED TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2011]: Sec. 15. (a) Whenever the
- 6 redevelopment commission finds that:
- 7 (1) an area in the territory under its jurisdiction is an area needing
- 8 redevelopment;
- 9 (2) the conditions described in IC 36-7-1-3 cannot be corrected in
- 10 the area by regulatory processes or the ordinary operations of
- 11 private enterprise without resort to this chapter;
- 12 (3) the public health and welfare will be benefited by:
- 13 (A) the acquisition and redevelopment of the area under this
- 14 chapter as a redevelopment project area; or
- 15 (B) the amendment of the resolution or plan, or both, for an
- 16 existing redevelopment project area; and
- 17 (4) in the case of an amendment to the resolution or plan for an
- 18 existing redevelopment project area:
- 19 (A) the amendment is reasonable and appropriate when
- 20 considered in relation to the original resolution or plan and the
- 21 purposes of this chapter; **and**
- 22 (B) the resolution or plan, with the proposed amendment,
- 23 conforms to the comprehensive plan for the unit; **and**
- 24 ~~(C) except as provided by subsection (f); if the amendment~~
- 25 ~~enlarges the boundaries of the area, the existing area does not~~
- 26 ~~generate sufficient revenue to meet the financial obligations of~~
- 27 ~~the original project;~~
- 28 the commission shall cause to be prepared the data described in
- 29 subsection (b).
- 30 (b) After making a finding under subsection (a), the commission

- 1 shall cause to be prepared:
- 2 (1) maps and plats showing:
- 3 (A) the boundaries of the area in which property would be
- 4 acquired for, or otherwise affected by, the establishment of a
- 5 redevelopment project area or the amendment of the resolution
- 6 or plan for an existing area;
- 7 (B) the location of the various parcels of property, streets,
- 8 alleys, and other features affecting the acquisition, clearance,
- 9 remediation, replatting, replanning, rezoning, or
- 10 redevelopment of the area, indicating any parcels of property
- 11 to be excluded from the acquisition or otherwise excluded
- 12 from the effects of the establishment of the redevelopment
- 13 project area or the amendment of the resolution or plan for an
- 14 existing area; and
- 15 (C) the parts of the area acquired, if any, that are to be devoted
- 16 to public ways, levees, sewerage, parks, playgrounds, and
- 17 other public purposes under the redevelopment plan;
- 18 (2) lists of the owners of the various parcels of property proposed
- 19 to be acquired for, or otherwise affected by, the establishment of
- 20 an area or the amendment of the resolution or plan for an existing
- 21 area; and
- 22 (3) an estimate of the costs, if any, to be incurred for the
- 23 acquisition and redevelopment of property.
- 24 (c) This subsection applies to the initial establishment of a
- 25 redevelopment project area. After completion of the data required by
- 26 subsection (b), the redevelopment commission shall adopt a resolution
- 27 declaring that:
- 28 (1) the area needing redevelopment is a menace to the social and
- 29 economic interest of the unit and its inhabitants;
- 30 (2) it will be of public utility and benefit to acquire the area and
- 31 redevelop it under this chapter; and
- 32 (3) the area is designated as a redevelopment project area for
- 33 purposes of this chapter.
- 34 The resolution must state the general boundaries of the redevelopment
- 35 project area, and that the department of redevelopment proposes to
- 36 acquire all of the interests in the land within the boundaries, with
- 37 certain designated exceptions, if there are any.
- 38 (d) This subsection applies to the amendment of the resolution or
- 39 plan for an existing redevelopment project area. After completion of
- 40 the data required by subsection (b), the redevelopment commission
- 41 shall adopt a resolution declaring that:
- 42 ~~(1) except as provided by subsection (f), if the amendment~~
- 43 ~~enlarges the boundaries of the area, the existing area does not~~
- 44 ~~generate sufficient revenue to meet the financial obligations of the~~
- 45 ~~original project;~~
- 46 ~~(2) (1) it will be of public utility and benefit to amend the~~

1 resolution or plan for the area; and
 2 ~~(3)~~ (2) any additional area to be acquired under the amendment is
 3 designated as part of the existing redevelopment project area for
 4 purposes of this chapter.

5 The resolution must state the general boundaries of the redevelopment
 6 project area, including any changes made to those boundaries by the
 7 amendment, and describe the activities that the department of
 8 redevelopment is permitted to take under the amendment, with any
 9 designated exceptions.

10 (e) For the purpose of adopting a resolution under subsection (c) or
 11 (d), it is sufficient to describe the boundaries of the redevelopment
 12 project area by its location in relation to public ways or streams, or
 13 otherwise, as determined by the commissioners. Property excepted
 14 from the application of a resolution may be described by street numbers
 15 or location.

16 (f) ~~The redevelopment commission is not required to make the~~
 17 ~~finding and declaration described in subsections (a)(4)(C) and (d)(1)~~
 18 ~~concerning the enlargement of the boundaries of an existing~~
 19 ~~redevelopment project area if, before the adoption of the resolution~~
 20 ~~under subsection (d); the Indiana economic development corporation~~
 21 ~~issues a finding approving the enlargement of the boundaries. Before~~
 22 ~~issuing a finding under this subsection, the Indiana economic~~
 23 ~~development corporation must consider whether the enlargement of the~~
 24 ~~boundaries will:~~

25 (1) lead to increased investment in Indiana;
 26 (2) foster job creation or job retention in Indiana;
 27 (3) have a positive impact on the unit in which the redevelopment
 28 project area is located; or
 29 (4) otherwise benefit the people of Indiana by increasing
 30 opportunities for employment in Indiana and strengthening the
 31 economy of Indiana.".

32 Page 186, between lines 25, and 26, begin a new paragraph and
 33 insert:

34 "SECTION 130. IC 36-7-14-41, AS AMENDED BY P.L.146-2008,
 35 SECTION 739, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2011]: Sec. 41. (a) The commission may, by
 37 following the procedures set forth in sections 15 through 17 of this
 38 chapter, approve a plan for and determine that a geographic area in the
 39 redevelopment district is an economic development area. Designation
 40 of an economic development area is subject to judicial review in the
 41 manner prescribed in section 18 of this chapter.

42 (b) The commission may determine that a geographic area is an
 43 economic development area if it finds that:

44 (1) the plan for the economic development area:
 45 (A) promotes significant opportunities for the gainful
 46 employment of its citizens;

- 1 (B) attracts a major new business enterprise to the unit;
 2 (C) retains or expands a significant business enterprise
 3 existing in the boundaries of the unit; or
 4 (D) meets other purposes of this section and sections 2.5 and
 5 43 of this chapter;
- 6 (2) the plan for the economic development area cannot be
 7 achieved by regulatory processes or by the ordinary operation of
 8 private enterprise without resort to the powers allowed under this
 9 section and sections 2.5 and 43 of this chapter because of:
- 10 (A) lack of local public improvement;
 11 (B) existence of improvements or conditions that lower the
 12 value of the land below that of nearby land;
 13 (C) multiple ownership of land; or
 14 (D) other similar conditions;
- 15 (3) the public health and welfare will be benefited by
 16 accomplishment of the plan for the economic development area;
 17 (4) the accomplishment of the plan for the economic development
 18 area will be a public utility and benefit as measured by:
- 19 (A) the attraction or retention of permanent jobs;
 20 (B) an increase in the property tax base;
 21 (C) improved diversity of the economic base; or
 22 (D) other similar public benefits; and
- 23 (5) the plan for the economic development area conforms to other
 24 development and redevelopment plans for the unit.
- 25 (c) The determination that a geographic area is an economic
 26 development area must be approved by the unit's legislative body. The
 27 approval may be given either before or after judicial review is
 28 requested. The requirement that the unit's legislative body approve
 29 economic development areas does not prevent the commission from
 30 amending the plan for the economic development area. However, the
 31 enlargement of any boundary in the economic development area must
 32 be approved by the unit's legislative body. ~~and a boundary may not be~~
 33 ~~enlarged unless:~~
- 34 ~~(1) the existing area does not generate sufficient revenue to meet~~
 35 ~~the financial obligations of the original project; or~~
 36 ~~(2) the Indiana economic development corporation has, in the~~
 37 ~~manner provided by section 15(f) of this chapter, made a finding~~
 38 ~~approving the enlargement of the boundary.~~
- 39 SECTION 131. IC 36-7-15.1-8, AS AMENDED BY P.L.146-2008,
 40 SECTION 745, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) Whenever the commission
 42 finds that:
- 43 (1) an area in the redevelopment district is an area needing
 44 redevelopment;
- 45 (2) the conditions described in IC 36-7-1-3 cannot be corrected in
 46 the area by regulatory processes or by the ordinary operations of

1 private enterprise without resort to this chapter; and

2 (3) the public health and welfare will be benefited by:

3 (A) the acquisition and redevelopment of the area under this
4 chapter as a redevelopment project area or an urban renewal
5 area; or

6 (B) the amendment of the resolution or plan, or both, for an
7 existing redevelopment project area or urban renewal area; and

8 (4) in the case of an amendment to the resolution or plan for an
9 existing redevelopment project area or urban renewal area:

10 (A) the amendment is reasonable and appropriate when
11 considered in relation to the original resolution or plan and the
12 purposes of this chapter; **and**

13 (B) the resolution or plan, with the proposed amendment,
14 conforms to the comprehensive plan for the unit; **and**

15 ~~(C) except as provided by subsection (f); if the amendment
16 enlarges the boundaries of the area, the existing area does not
17 generate sufficient revenue to meet the financial obligations of
18 the original project;~~

19 the commission shall cause to be prepared a redevelopment or urban
20 renewal plan.

21 (b) The redevelopment or urban renewal plan must include:

22 (1) maps, plats, or maps and plats, showing:

23 (A) the boundaries of the area in which property would be
24 acquired for, or otherwise affected by, the establishment of a
25 redevelopment project area or urban renewal area, or the
26 amendment of the resolution or plan for an existing area;

27 (B) the location of the various parcels of property, public
28 ways, and other features affecting the acquisition, clearance,
29 replatting, replanning, rezoning, or redevelopment of the area
30 or areas, indicating any parcels of property to be excluded
31 from the acquisition or otherwise excluded from the effects of
32 the establishment of the redevelopment project area or the
33 amendment of the resolution or plan for an existing area; and
34 (C) the parts of the area acquired that are to be devoted to
35 public ways, levees, sewerage, parks, playgrounds, and other
36 public purposes;

37 (2) lists of the owners of the various parcels of property proposed
38 to be acquired for, or otherwise affected by, the establishment of
39 an area or the amendment of the resolution or plan for an existing
40 area; and

41 (3) an estimate of the costs, if any, to be incurred for the
42 acquisition and redevelopment of property.

43 (c) This subsection applies to the initial establishment of a
44 redevelopment project area or urban renewal area. After completion of
45 the data required by subsection (b), the commission shall adopt a
46 resolution declaring that:

- 1 (1) the area needing redevelopment is a detriment to the social or
 2 economic interests of the consolidated city and its inhabitants;
 3 (2) it will be of public utility and benefit to acquire the area and
 4 redevelop it under this chapter; and
 5 (3) the area is designated as a redevelopment project area for
 6 purposes of this chapter.

7 The resolution must state the general boundaries of the redevelopment
 8 project area and identify the interests in real or personal property, if
 9 any, that the department proposes to acquire in the area.

10 (d) This subsection applies to the amendment of the resolution or
 11 plan for an existing redevelopment project area or urban renewal area.
 12 After completion of the data required by subsection (b), the
 13 redevelopment commission shall adopt a resolution declaring that:

14 ~~(1) except as provided by subsection (f), if the amendment~~
 15 ~~enlarges the boundaries of the area, the existing area does not~~
 16 ~~generate sufficient revenue to meet the financial obligations of the~~
 17 ~~original project;~~

18 ~~(2) (1) it will be of public utility and benefit to amend the~~
 19 ~~resolution or plan for the area; and~~

20 ~~(3) (2) any additional area to be acquired under the amendment is~~
 21 ~~designated as part of the existing redevelopment project area or~~
 22 ~~urban renewal area for purposes of this chapter.~~

23 The resolution must state the general boundaries of the redevelopment
 24 project area or urban renewal area, including any changes made to
 25 those boundaries by the amendment, and describe the activities that the
 26 department is permitted to take under the amendment, with any
 27 designated exceptions.

28 (e) For the purpose of adopting a resolution under subsection (c) or
 29 (d), it is sufficient to describe the boundaries of the redevelopment
 30 project area by its location in relation to public ways or streams, or
 31 otherwise, as determined by the commission. Property proposed for
 32 acquisition may be described by street numbers or location.

33 ~~(f) The commission is not required to make the finding and~~
 34 ~~declaration described in subsections (a)(4)(C) and (d)(1) concerning~~
 35 ~~the enlargement of the boundaries of an existing redevelopment project~~
 36 ~~area or urban renewal area if, before the adoption of the resolution~~
 37 ~~under subsection (d), the Indiana economic development corporation~~
 38 ~~issues a finding approving the enlargement of the boundaries. Before~~
 39 ~~issuing a finding under this subsection, the Indiana economic~~
 40 ~~development corporation must consider whether the enlargement of the~~
 41 ~~boundaries will:~~

42 ~~(1) lead to increased investment in Indiana;~~

43 ~~(2) foster job creation or job retention in Indiana;~~

44 ~~(3) have a positive impact on the unit in which the area is located;~~

45 ~~or~~

46 ~~(4) otherwise benefit the people of Indiana by increasing~~

1 opportunities for employment in Indiana and strengthening the
2 economy of Indiana.".

3 Page 188, between lines 20 and 21, begin a new paragraph and
4 insert:

5 "SECTION 135. IC 36-7-15.1-29, AS AMENDED BY
6 P.L.146-2008, SECTION 757, IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 29. (a) The commission
8 may, by following the procedures set forth in sections 8, 9, and 10 of
9 this chapter, approve a plan for and determine that a geographic area
10 in the redevelopment district is an economic development area.
11 Designation of an economic development area is subject to judicial
12 review in the manner prescribed in section 11 of this chapter.

13 (b) The commission may determine that a geographic area is an
14 economic development area if it finds:

- 15 (1) the plan for the economic development area:
- 16 (A) promotes significant opportunities for the gainful
17 employment of its citizens;
- 18 (B) attracts a major new business enterprise to the unit;
- 19 (C) retains or expands a significant business enterprise
20 existing in the boundaries of the unit; or
- 21 (D) meets other purposes of this section and sections 28 and
22 30 of this chapter;
- 23 (2) the plan for the economic development area cannot be
24 achieved by regulatory processes or by the ordinary operation of
25 private enterprise without resort to the powers allowed under this
26 section and sections 28 and 30 of this chapter because of:
- 27 (A) lack of local public improvement;
- 28 (B) existence of improvements or conditions that lower the
29 value of the land below that of nearby land;
- 30 (C) multiple ownership of land; or
- 31 (D) other similar conditions;
- 32 (3) the public health and welfare will be benefited by
33 accomplishment of the plan for the economic development area;
- 34 (4) the accomplishment of the plan for the economic development
35 area will be a public utility and benefit as measured by:
- 36 (A) attraction or retention of permanent jobs;
- 37 (B) increase in the property tax base;
- 38 (C) improved diversity of the economic base; or
- 39 (D) other similar public benefits; and
- 40 (5) the plan for the economic development area conforms to the
41 comprehensive plan of development for the consolidated city.
- 42 (c) The determination that a geographic area is an economic
43 development area must be approved by the city-county legislative body.
44 The approval may be given either before or after judicial review is
45 requested. The requirement that the city-county legislative body
46 approve economic development areas does not prevent the commission

1 from amending the plan for the economic development area. ~~However,~~
 2 the enlargement of any boundary in the economic development area
 3 must be approved by the city-county legislative body; and a boundary
 4 may not be enlarged unless:

- 5 (1) the existing area does not generate sufficient revenue to meet
- 6 the financial obligations of the original project; or
- 7 (2) the Indiana economic development corporation has, in the
- 8 manner provided by section 8(f) of this chapter, made a finding
- 9 approving the enlargement of the boundary:".

10 Page 189, between lines 13 and 14, begin a new paragraph and
 11 insert:

12 "SECTION 138. IC 36-7-15.1-57, AS AMENDED BY
 13 P.L.146-2008, SECTION 766, IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 57. (a) The commission
 15 may, by following the procedures set forth in sections 8, 9, and 10 of
 16 this chapter, approve a plan for and determine that a geographic area
 17 in the redevelopment district is an economic development area.
 18 Designation of an economic development area is subject to judicial
 19 review in the manner prescribed in section 11 of this chapter.

20 (b) The commission may determine that a geographic area is an
 21 economic development area if it finds that:

- 22 (1) the plan for the economic development area:
 - 23 (A) promotes significant opportunities for the gainful
 - 24 employment of its citizens;
 - 25 (B) attracts a major new business enterprise to the unit;
 - 26 (C) retains or expands a significant business enterprise
 - 27 existing in the boundaries of the unit; or
 - 28 (D) meets other purposes of this section and sections 28 and
 - 29 58 of this chapter;
- 30 (2) the plan for the economic development area cannot be
- 31 achieved by regulatory processes or by the ordinary operation of
- 32 private enterprise without resort to the powers allowed under this
- 33 section and sections 28 and 58 of this chapter because of:
 - 34 (A) lack of local public improvement;
 - 35 (B) existence of improvements or conditions that lower the
 - 36 value of the land below that of nearby land;
 - 37 (C) multiple ownership of land; or
 - 38 (D) other similar conditions;
- 39 (3) the public health and welfare will be benefited by
- 40 accomplishment of the plan for the economic development area;
- 41 (4) the accomplishment of the plan for the economic development
- 42 area will be of public utility and benefit as measured by:
 - 43 (A) attraction or retention of permanent jobs;
 - 44 (B) increase in the property tax base;
 - 45 (C) improved diversity of the economic base; or
 - 46 (D) other similar public benefits; and

1 (5) the plan for the economic development area conforms to the
2 comprehensive plan of development for the county.

3 (c) The determination that a geographic area is an economic
4 development area must be approved by the excluded city legislative
5 body. The approval may be given either before or after judicial review
6 is requested. The requirement that the excluded city legislative body
7 approve economic development areas does not prevent the commission
8 from amending the plan for the economic development area. ~~However,~~
9 ~~the enlargement of any boundary in the economic development area~~
10 ~~must be approved by the excluded city legislative body, and a boundary~~
11 ~~may not be enlarged unless:~~

12 ~~(1) the existing area does not generate sufficient revenue to meet~~
13 ~~the financial obligations of the original project; or~~

14 ~~(2) the Indiana economic development corporation has, in the~~
15 ~~manner provided by section 8(f) of this chapter, made a finding~~
16 ~~approving the enlargement of the boundary.".~~

17 Renumber all SECTIONS consecutively.

(Reference is to EHB 1007 as printed April 15, 2011.)

Senator BANKS