

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1072 be amended to read as follows:

- 1 Page 128, between lines 13 and 14, begin a new paragraph and
- 2 insert:
- 3 "SECTION 94. IC 6-9-25-9 IS REPEALED [EFFECTIVE JULY 1,
- 4 2012]. Sec. 9: (a) This section applies to revenues from the county food
- 5 and beverage tax received by the county before July 1, 1994.
- 6 (b) Money in the fund established under section 8 of this chapter
- 7 shall be used by the county in the following order:
- 8 (1) To pay debt service on bonds issued under IC 36-2-6-18
- 9 through IC 36-2-6-20; including up to two (2) years interest; to
- 10 finance:
- 11 (A) the acquisition, construction, or equipping of a basketball
- 12 hall of fame;
- 13 (B) all reasonable and necessary architectural, engineering,
- 14 legal, financing, accounting, advertising, bond discount, and
- 15 supervisory expenses related to the acquisition, construction,
- 16 or equipping of a basketball hall of fame or the issuance of
- 17 bonds; and
- 18 (C) the establishment or maintenance of a debt service reserve
- 19 fund for the bonds or any other reasonable or necessary
- 20 reserve funds to operate, repair, maintain, or improve a
- 21 basketball hall of fame.
- 22 (2) To redeem or prepay bonds after meeting all requirements of
- 23 any bond ordinance.

- 1           (3) To reimburse the county or any nonprofit corporation for any  
2           money advanced for purposes of this chapter.
- 3           (e) Money held in the fund established under section 8 of this  
4           chapter shall be held until distribution under subsection (b)-
- 5           (d) The county auditor shall make a semiannual distribution; at the  
6           time property tax revenue is distributed; to the paying agent for any  
7           bonds described in subsection (b)(1). Each semiannual distribution  
8           must be equal to principal and interest obligations on the bonds on the  
9           next interest payment date. Money received by a paying agent under  
10          this subsection shall be deposited in a special fund to be used to service  
11          the bonds.
- 12          SECTION 95. IC 6-9-25-9.5, AS AMENDED BY P.L.158-2005,  
13          SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14          JULY 1, 2012]: Sec. 9.5. (a) This section applies to revenues from the  
15          county food and beverage tax received by the county after June 30,  
16          1994.
- 17          (b) Money in the fund established under section 8 of this chapter  
18          shall be used by the county for the financing, construction, renovation,  
19          improvement, equipping, or maintenance of the following capital  
20          improvements:
- 21               (1) Sanitary sewers or wastewater treatment facilities that serve  
22               economic development purposes.
- 23               (2) Drainage or flood control facilities that serve economic  
24               development purposes.
- 25               (3) Road improvements ~~used on an access road for an industrial~~  
26               ~~park that serve economic development purposes: to foster~~  
27               **economic development and tourism in the county.**
- 28               (4) A covered horse show arena.
- 29               (5) A historic birthplace memorial.
- 30               (6) A historic gymnasium and community center in a town in the  
31               county with a population greater than two thousand (2,000) but  
32               less than two thousand ~~four three~~ hundred (~~2,400~~): **(2,300).**
- 33               (7) Main street renovation and picnic and park areas in a town in  
34               the county with a population greater than two thousand (2,000)  
35               but less than two thousand ~~four three~~ hundred (~~2,400~~): **(2,300).**
- 36               (8) A community park and cultural center.
- 37               (9) Projects for which the county decides after July 1, 1994, to:  
38                       (A) expend money in the fund established under section 8 of  
39                       this chapter; or  
40                       (B) issue bonds or other obligations or enter into leases under  
41                       section 11.5 of this chapter;  
42               after the projects described in subdivisions (1) through (8) have  
43               been funded.
- 44               (10) An ambulance.
- 45          Money in the fund may not be used for the operating costs of any of the  
46          permissible projects listed in this section. ~~In addition, the county may~~

1 not issue bonds or enter into leases or other obligations under this  
2 chapter after December 31, 2015.

3 (c) The county capital improvements committee is established to  
4 make recommendations to the county fiscal body concerning the use of  
5 money in the fund established under section 8 of this chapter. The  
6 capital improvements committee consists of the following members:

7 (1) One (1) resident of the county representing each of the three  
8 (3) commissioner districts, appointed by the county executive.

9 Not more than two (2) of the members appointed under this  
10 subdivision may be from the same political party.

11 (2) Two (2) residents of the county, appointed by the county fiscal  
12 body. The two (2) appointees may not be from the same political  
13 party. One (1) appointee under this subdivision must be a resident  
14 of a town in the county with a population greater than two  
15 thousand (2,000) but less than two thousand ~~four~~ **three** hundred  
16 ~~(2,400)~~; **(2,300)**. One (1) appointee under this subdivision must  
17 be a resident of a town in the county with a population greater  
18 than two thousand ~~four~~ **three** hundred ~~(2,400)~~; **(2,300)**.

19 (3) Two (2) residents of the largest city in the county, appointed  
20 by the municipal executive. The two (2) appointees under this  
21 subdivision may not be from the same political party. One (1)  
22 appointee must be interested in economic development.

23 (4) Two (2) residents of the largest city in the county, appointed  
24 by the municipal fiscal body. The two (2) appointees under this  
25 subdivision may not be from the same political party. One (1)  
26 appointee must be interested in tourism.

27 (d) Except as provided in subsection (e), the term of a member  
28 appointed to the capital improvements committee under subsection (c)  
29 is four (4) years.

30 (e) The initial terms of office for the members appointed to the  
31 county capital improvements committee under subsection (c) are as  
32 follows:

33 (1) Of the members appointed under subsection (c)(1), one (1)  
34 member shall be appointed for a term of two (2) years, one (1)  
35 member shall be appointed for three (3) years, and one (1)  
36 member shall be appointed for four (4) years.

37 (2) Of the members appointed under subsection (c)(2), one (1)  
38 member shall be appointed for two (2) years and one (1) member  
39 shall be appointed for three (3) years.

40 (3) Of the members appointed under subsection (c)(3), one (1)  
41 member shall be appointed for two (2) years and one (1) member  
42 shall be appointed for three (3) years.

43 (4) Of the members appointed under subsection (c)(4), one (1)  
44 member shall be appointed for three (3) years and one (1)  
45 member shall be appointed for four (4) years.

46 (f) At the expiration of a term under subsection (e), the member

1 whose term expired may be reappointed to the county capital  
2 improvements committee to fill the vacancy caused by the expiration.

3 (g) The capital improvements committee is ~~abolished on January 1,~~  
4 ~~2016. shall:~~

5 **(1) meet at least once each year; and**

6 **(2) submit an annual report to the county fiscal body**  
7 **concerning the progress of any project funded by money in**  
8 **the fund.**

9 SECTION 96. IC 6-9-25-10.5, AS AMENDED BY P.L.158-2005,  
10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2012]: Sec. 10.5. (a) The county food and beverage tax  
12 council is established in the county. The membership of the county  
13 food and beverage tax council consists of the fiscal body of the county  
14 and the fiscal body of each municipality that lies either partly or  
15 entirely within the county.

16 (b) The county food and beverage tax council has a total of one  
17 hundred (100) votes. Every member of the county food and beverage  
18 tax council is allocated a percentage of the total one hundred (100)  
19 votes that may be cast. The percentage that a municipality in the county  
20 is allocated for a year equals the same percentage that the population  
21 of the municipality bears to the population of the county. The  
22 percentage that the county is allocated for a year equals the same  
23 percentage that the population of all areas of the county not located in  
24 a municipality bears to the population of the county. In the case of a  
25 municipality that lies partly within the county, the allocation shall be  
26 based on the population of that portion of the municipality that lies  
27 within the county.

28 (c) Before January 2 of each year, the county auditor shall certify to  
29 each member of the food and beverage tax council the number of votes,  
30 rounded to the nearest one-hundredth (0.01), the member has for that  
31 year.

32 (d) The food and beverage tax imposed under this chapter remains  
33 in effect until the county food and beverage tax council adopts an  
34 ordinance to rescind the tax.

35 (e) An ordinance to rescind the food and beverage tax takes effect  
36 December 31 of the year in which the ordinance is adopted.

37 (f) The county food and beverage tax council may not rescind the  
38 food and beverage tax if there are bonds outstanding or leases or other  
39 obligations payable under this chapter.

40 ~~(g) The county food and beverage tax council is abolished on~~  
41 ~~January 1, 2016.~~

42 SECTION 97. IC 6-9-25-11 IS AMENDED TO READ AS  
43 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) The county may  
44 issue its bonds to:

45 (1) pay any costs associated with a basketball hall of fame; ~~as set~~  
46 ~~forth in section 9(b)(1) of this chapter;~~

- 1 (2) reimburse the county or any nonprofit corporation for any
- 2 money advanced to pay those costs; or
- 3 (3) refund bonds issued under this section.
- 4 (b) Bonds issued under this section:
- 5 (1) are payable solely from money provided under this chapter;
- 6 (2) must be issued in the manner prescribed by IC 36-2-6-18
- 7 through IC 36-2-6-20; and
- 8 (3) may, in the discretion of the county, be sold at negotiated sale
- 9 at a price to be determined by the county or in accordance with
- 10 IC 5-1-11 and IC 5-3-1.
- 11 (c) Proceeds of the tax established under this chapter may be
- 12 pledged:
- 13 (1) to pay debt service on bonds issued under this chapter;
- 14 (2) for the payment of lease rentals or other obligations entered
- 15 into under this chapter; or
- 16 (3) for any purposes set forth in section ~~9(b)(1)~~ or 9.5 of this
- 17 chapter.
- 18 A pledge is enforceable as set forth in IC 5-1-14-4.
- 19 (d) The county may lease the basketball hall of fame facility to a
- 20 nonprofit corporation for a term not to exceed twenty-five (25) years.
- 21 The lease may contain any terms acceptable to the county council and
- 22 must be approved by ordinance of the county council.
- 23 SECTION 98. IC 6-9-25-11.5, AS AMENDED BY P.L.158-2005,
- 24 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 JULY 1, 2012]: Sec. 11.5. (a) ~~Until January 1, 2016~~; The county may:
- 26 (1) use money in the fund established under section 8 of this
- 27 chapter to pay all or part of the costs associated with the facilities
- 28 described in section 9.5 of this chapter;
- 29 (2) issue bonds, enter into leases, or incur other obligations to pay
- 30 any costs associated with the facilities described in section 9.5 of
- 31 this chapter;
- 32 (3) reimburse the county or any nonprofit corporation for any
- 33 money advanced to pay those costs; or
- 34 (4) refund bonds issued or other obligations incurred under this
- 35 chapter; or
- 36 **(5) do either of the following:**
- 37 **(A) Use money in the fund established under section 8 of**
- 38 **this chapter to pay all or part of the costs associated with**
- 39 **the construction of a facility that enhances educational**
- 40 **opportunities, economic development, or tourism in the**
- 41 **county.**
- 42 **(B) Issue bonds, enter into leases, or incur other**
- 43 **obligations to pay any costs associated with the**
- 44 **construction of a facility described in clause (A).**
- 45 (b) Bonds or other obligations issued under this section:
- 46 (1) are payable from money provided in this chapter, any other

- 1 revenues available to the county, or any combination of these  
 2 sources, in accordance with a pledge made under IC 5-1-14-4;  
 3 (2) must be issued in the manner prescribed by IC 36-2-6-18  
 4 through IC 36-2-6-20;  
 5 (3) may, in the discretion of the county, be sold at a negotiated  
 6 sale at a price to be determined by the county or in accordance  
 7 with IC 5-1-11 and IC 5-3-1; and  
 8 (4) may be issued for a term not to exceed twenty (20) years, such  
 9 term to include any refunding bonds issued to refund bonds  
 10 originally issued under this section.
- 11 (c) Leases entered into under this section:  
 12 (1) may be for a term not to exceed fifty (50) years;  
 13 (2) may provide for payments from revenues under this chapter,  
 14 any other revenues available to the county, or any combination of  
 15 these sources;  
 16 (3) may provide that payments by the county to the lessor are  
 17 required only to the extent and only for the time that the lessor is  
 18 able to provide the leased facilities in accordance with the lease;  
 19 (4) must be based upon the value of the facilities leased; and  
 20 (5) may not create a debt of the county for purposes of the  
 21 Constitution of the State of Indiana.
- 22 (d) A lease may be entered into by the county executive only after  
 23 a public hearing at which all interested parties are provided the  
 24 opportunity to be heard. After the public hearing, the executive may  
 25 approve the execution of the lease on behalf of the county only if the  
 26 executive finds that the service to be provided throughout the life of the  
 27 lease will serve the public purpose of the county and is in the best  
 28 interests of its residents. A lease approved by the executive must also  
 29 be approved by an ordinance of the county fiscal body.
- 30 (e) Upon execution of a lease under this section, and after approval  
 31 of the lease by the county fiscal body, the county executive shall  
 32 publish notice of the execution of the lease and the approval of the  
 33 lease in accordance with IC 5-3-1.
- 34 (f) An action to contest the validity of bonds issued or leases entered  
 35 into under this section must be brought within thirty (30) days after the  
 36 adoption of a bond ordinance or notice of the execution and approval  
 37 of the lease, as the case may be.
- 38 SECTION 99. IC 6-9-25-14 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. Notwithstanding  
 40 any other law, funds accumulated from the collection of the food and  
 41 beverage tax imposed under section 3 of this chapter after redemption  
 42 of the bonds issued under this chapter and accrued before July 1, 1994,  
 43 may be set aside in an operation and maintenance fund for a basketball  
 44 hall of fame financed under ~~section 9~~ of this chapter. Money in the  
 45 fund may be used by a nonprofit corporation that has leased the  
 46 basketball hall of fame facility for the operation, repair, maintenance,

- 1 or improvement of the basketball hall of fame.".
- 2 Renumber all SECTIONS consecutively.  
(Reference is to HB 1072 as printed January 23, 2012.)

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Representative Saunders