

# SENATE BILL No. 472

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-22-3; IC 36-9.

**Synopsis:** Airport authorities. Provides that, if the fiscal body of Clark County establishes an airport authority (authority), the board of directors (board) of the authority may not levy property taxes. Provides that a county or municipality may establish a cumulative capital development fund for certain airport related purposes even if the board of an authority that serves the county or municipality is not authorized to levy property taxes for those purposes.

**Effective:** July 1, 2013.

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### Grooms

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January 14, 2013, read first time and referred to Committee on Commerce, Economic Development & Technology.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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# SENATE BILL No. 472



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

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

1 SECTION 1. IC 8-22-3-11, AS AMENDED BY P.L.139-2011,  
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2013]: Sec. 11. (a) The board may do all acts necessary or  
4 reasonably incident to carrying out the purposes of this chapter,  
5 including the following:  
6 (1) As a municipal corporation, to sue and be sued in its own  
7 name.  
8 (2) To have all the powers and duties conferred by statute upon  
9 boards of aviation commissioners. The board supersedes all  
10 boards of aviation commissioners within the district. The board  
11 has exclusive jurisdiction within the district.  
12 (3) To protect all property owned or managed by the board.  
13 (4) To adopt an annual budget and levy taxes in accordance with  
14 this chapter.  
15 (A) The board may not levy taxes on property in excess of the  
16 following rate schedule, except as provided in sections 17 and  
17 25 of this chapter:



1	Total Assessed	Rate Per \$100 Of
2	Property Valuation	Assessed Valuation
3	\$300 million or less	\$0.10
4	More than \$300 million	
5	but not more than \$450 million	\$0.0833
6	More than \$450 million	
7	but not more than \$600 million	\$0.0667
8	More than \$600 million	
9	but not more than \$900 million	\$0.05
10	More than \$900 million	\$0.0333
11	(B) Clause (A) does not apply to an authority that was	
12	established under IC 19-6-2 or IC 19-6-3 (before their repeal	
13	on April 1, 1980).	
14	(C) The board of an authority that was established under	
15	IC 19-6-3 (before its repeal on April 1, 1980) may levy taxes	
16	on property not in excess of six and sixty-seven hundredths	
17	cents (\$0.0667) on each one hundred dollars (\$100) of	
18	assessed valuation.	
19	(5) To incur indebtedness in the name of the authority in	
20	accordance with this chapter.	
21	(6) To adopt administrative procedures, rules, and regulations.	
22	(7) To acquire property, real, personal, or mixed, by deed,	
23	purchase, lease, condemnation, or otherwise and dispose of it for	
24	use or in connection with or for administrative purposes of the	
25	airport; to receive gifts, donations, bequests, and public trusts and	
26	to agree to conditions and terms accompanying them and to bind	
27	the authority to carry them out; to receive and administer federal	
28	or state aid; and to erect buildings or structures that may be	
29	needed to administer and carry out this chapter.	
30	(8) To determine matters of policy regarding internal organization	
31	and operating procedures not specifically provided for otherwise.	
32	(9) To adopt a schedule of reasonable charges and to collect them	
33	from all users of facilities and services within the district.	
34	(10) To purchase supplies, materials, and equipment to carry out	
35	the duties and functions of the board in accordance with	
36	procedures adopted by the board.	
37	(11) To employ personnel that are necessary to carry out the	
38	duties, functions, and powers of the board.	
39	(12) To establish an employee pension plan. The board may, upon	
40	due investigation, authorize and begin a fair and reasonable	
41	pension or retirement plan and program for personnel, the cost to	
42	be borne by either the authority or by the employee or by both, as	

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1 the board determines. If the authority was established under  
 2 IC 19-6-2 (before its repeal on April 1, 1980), the entire cost must  
 3 be borne by the authority, and ordinances creating the plan or  
 4 making changes in it must be approved by the mayor of the city.  
 5 The plan may be administered and funded by a trust fund or by  
 6 insurance purchased from an insurance company licensed to do  
 7 business in Indiana or by a combination of them. The board may  
 8 also include in the plan provisions for life insurance, disability  
 9 insurance, or both.

10 (13) To sell surplus real or personal property in accordance with  
 11 law. If the board negotiates an agreement to sell trees situated in  
 12 woods or forest areas owned by the board, the trees are considered  
 13 to be personal property of the board for severance or sale.

14 (14) To adopt and use a seal.

15 (15) To acquire, establish, construct, improve, equip, maintain,  
 16 control, lease, and regulate municipal airports, landing fields, and  
 17 other air navigation facilities, either inside or outside the district;  
 18 to acquire by lease (with or without the option to purchase)  
 19 airports, landing fields, or navigation facilities, and any structures,  
 20 equipment, or related improvements; and to erect, install,  
 21 construct, and maintain at the airport or airports facilities for the  
 22 servicing of aircraft and for the comfort and accommodation of air  
 23 travelers and the public. The Indiana department of transportation  
 24 must grant its approval before land may be purchased for the  
 25 establishment of an airport or landing field and before an airport  
 26 or landing field may be established.

27 (16) To fix and determine exclusively the uses to which the  
 28 airport lands may be put. All uses must be necessary or desirable  
 29 to the airport or the aviation industry and must be compatible with  
 30 the uses of the surrounding lands as far as practicable.

31 (17) To elect a secretary from its membership, or to employ a  
 32 secretary, an airport director, superintendents, managers, a  
 33 treasurer, engineers, surveyors, attorneys, clerks, guards,  
 34 mechanics, laborers, and all employees the board considers  
 35 expedient, and to prescribe and assign their respective duties and  
 36 authorities and to fix and regulate the compensation to be paid to  
 37 the persons employed by it in accordance with the authority's  
 38 appropriations. All employees shall be selected irrespective of  
 39 their political affiliations.

40 (18) To make all rules and regulations, consistent with laws  
 41 regarding air commerce, for the management and control of its  
 42 airports, landing fields, air navigation facilities, and other

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1 property under its control.  
2 (19) To acquire by lease the use of an airport or landing field for  
3 aircraft pending the acquisition and improvement of an airport or  
4 landing field.  
5 (20) To manage and operate airports, landing fields, and other air  
6 navigation facilities acquired or maintained by an authority; to  
7 lease all or part of an airport, landing field, or any buildings or  
8 other structures, and to fix, charge, and collect rentals, tolls, fees,  
9 and charges to be paid for the use of the whole or a part of the  
10 airports, landing fields, or other air navigation facilities by aircraft  
11 landing there and for the servicing of the aircraft; to construct  
12 public recreational facilities that will not interfere with air  
13 operational facilities; to fix, charge, and collect fees for public  
14 admissions and privileges; and to make contracts for the operation  
15 and management of the airports, landing fields, and other air  
16 navigation facilities; and to provide for the use, management, and  
17 operation of the air navigation facilities through lessees, its own  
18 employees, or otherwise. Contracts or leases for the maintenance,  
19 operation, or use of the airport or any part of it may be made for  
20 a term not exceeding fifteen (15) years and may be extended for  
21 similar terms of years, except that any parcels of the land of the  
22 airport may be leased for any use connected with the operation  
23 and convenience of the airport for an initial term not exceeding  
24 forty (40) years and may be extended for a period not to exceed  
25 ten (10) years. If a person whose character, experience, and  
26 financial responsibility have been determined satisfactory by the  
27 board offers to erect a permanent structure that facilitates and is  
28 consistent with the operation, use, and purpose of the airport on  
29 land belonging to the airport, a lease may be entered into for a  
30 period not to exceed ninety-nine (99) years. However, the board  
31 must pass an ordinance to enter into such a lease. The board may  
32 not grant an exclusive right for the use of a landing area under its  
33 jurisdiction. However, this does not prevent the making of leases  
34 in accordance with other provisions of this chapter. All contracts,  
35 and leases, are subject to restrictions and conditions that the board  
36 prescribes. The authority may lease its property and facilities for  
37 any commercial or industrial use it considers necessary and  
38 proper, including the use of providing airport motel facilities. For  
39 the airport authority established by the city of Gary, the board  
40 may approve a lease, management agreement, or other contract:  
41 (A) with a person:  
42 (i) who is selected by the board using the procedures under

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1 IC 36-1-9.5; and  
 2 (ii) whose character, experience, and financial responsibility  
 3 have been determined satisfactory by the board; and  
 4 (B) to use, plan, design, acquire, construct, reconstruct,  
 5 improve, extend, expand, lease, operate, repair, manage,  
 6 maintain, or finance all or any part of the airport and its  
 7 landing fields, air navigation facilities, and other buildings and  
 8 structures for a period not to exceed ninety-nine (99) years.  
 9 However, the board must pass an ordinance to enter into such  
 10 a lease, management agreement, or other contract. All  
 11 contracts, leases, and management agreements are subject to  
 12 restrictions and conditions that the board prescribes. The  
 13 authority may lease its property and facilities for any  
 14 commercial or industrial use it considers necessary and proper,  
 15 including the use of providing airport motel facilities. A lease,  
 16 management agreement, or other contract entered into under  
 17 this section or any other provision of this chapter may be  
 18 entered into without complying with IC 5-23.

19 (21) To sell machinery, equipment, or material that is not required  
 20 for aviation purposes. The proceeds shall be deposited with the  
 21 treasurer of the authority.

22 (22) To negotiate and execute contracts for sale or purchase,  
 23 lease, personal services, materials, supplies, equipment, or any  
 24 other transaction or business relative to an airport under the  
 25 board's control and operation. However, whenever the board  
 26 determines to sell part or all of aviation lands, buildings, or  
 27 improvements owned by the authority, the sale must be in  
 28 accordance with law.

29 (23) To vacate all or parts of roads, highways, streets, or alleys,  
 30 whether inside or outside the district, in the manner provided by  
 31 statute.

32 (24) To annex lands to itself if the lands are owned by the  
 33 authority or are streets, roads, or other public ways.

34 (25) To approve any state, county, city, or other highway, road,  
 35 street or other public way, railroad, power line, or other  
 36 right-of-way to be laid out or opened across an airport or in such  
 37 proximity as to affect the safe operation of the airport.

38 (26) To construct drainage and sanitary sewers with connections  
 39 and outlets as are necessary for the proper drainage and  
 40 maintenance of an airport or landing field acquired or maintained  
 41 under this chapter, including the necessary buildings and  
 42 improvements and for the public use of them in the same manner

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1 that the authority may construct sewers and drains. However, with  
 2 respect to the construction of drains and sanitary sewers beyond  
 3 the boundaries of the airport or landing field, the board shall  
 4 proceed in the same manner as private owners of property and  
 5 may institute proceedings and negotiate with the departments,  
 6 bodies, and officers of an eligible entity to secure the proper  
 7 orders and approvals; and to order a public utility or public  
 8 service corporation or other person to remove or to install in  
 9 underground conduits wires, cables, and power lines passing  
 10 through or over the airport or landing field or along the borders or  
 11 within a reasonable distance that may be determined to be  
 12 necessary for the safety of operations, upon payment to the utility  
 13 or other person of due compensation for the expense of the  
 14 removal or reinstallation. The board must consent before any  
 15 franchise may be granted by state or local authorities for the  
 16 construction of or maintenance of railway, telephone, telegraph,  
 17 electric power, pipe, or conduit line upon, over, or through land  
 18 under the control of the board or within a reasonable distance of  
 19 land that is necessary for the safety of operation. The board must  
 20 also consent before overhead electric power lines carrying a  
 21 voltage of more than four thousand four hundred (4,400) volts and  
 22 having poles, standards, or supports over thirty (30) feet in height  
 23 within one-half (1/2) mile of a landing area acquired or  
 24 maintained under this chapter may be installed.

25 (27) To contract with any other state agency or instrumentality or  
 26 any political subdivision for the rendition of services, the rental  
 27 or use of equipment or facilities, or the joint purchase and use of  
 28 equipment or facilities that are necessary for the operation,  
 29 maintenance, or construction of an airport operated under this  
 30 chapter.

31 (28) To provide air transportation in furtherance of the duties and  
 32 responsibilities of the board.

33 (29) To promote or encourage aviation-related trade or commerce  
 34 at the airports that it operates.

35 (30) To provide aviation services to public use airports within or  
 36 outside Indiana either directly or through an affiliate entity  
 37 established by the board.

38 **(b) A board described in section 36 of this chapter may not levy**  
 39 **taxes as set forth in subsection (a)(4).**

40 SECTION 2. IC 8-22-3-17 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 17. (a) For the purpose  
 42 of raising money to pay all bonds issued under section 16 of this

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1 chapter and any interest on them, the principal of and interest on any  
 2 outstanding bonds or obligations payable from taxes and assumed  
 3 under section 33 of this chapter, and leases entered into under  
 4 IC 8-22-3.6 that are payable in whole or in part from a property tax  
 5 levy, ~~the a board, other than a board described in section 36 of this~~  
 6 **chapter**, shall levy each year a special tax upon all of the property,  
 7 both real and personal, located within the district in a manner and in an  
 8 amount to meet and pay the principal of the bonds as they severally  
 9 mature, together with all interest accruing on them, and to pay lease  
 10 rentals as they become due, after taking into account all other revenues  
 11 pledged to the payment of the bonds or lease rentals.

12 (b) The board shall file the tax levied each year with the county  
 13 auditor of the county in which the district is located under IC 6-1.1-17.

14 (c) The tax levied shall be collected and enforced by the treasurer  
 15 of the county under IC 6-1.1, and as the tax is collected by the treasurer  
 16 of the county it shall be paid over to the treasurer of the authority. The  
 17 treasurer shall accumulate and keep the tax in a separate fund to be  
 18 known as the "airport authority bond fund", which shall be applied to  
 19 the payment of the bonds and the interest on them as they severally  
 20 mature and to the payment of lease rentals and to no other purposes.

21 (d) The bonds issued under this chapter and the interest on them are  
 22 exempt from taxation for all purposes except the financial institutions  
 23 tax imposed under IC 6-5.5 or a state inheritance tax imposed under  
 24 IC 6-4.1.

25 **(e) A board described in section 36 of this chapter may raise**  
 26 **money for payments described in subsection (a) in the manner**  
 27 **determined by the board.**

28 SECTION 3. IC 8-22-3-23, AS AMENDED BY P.L.182-2009(ss),  
 29 SECTION 269, IS AMENDED TO READ AS FOLLOWS  
 30 [EFFECTIVE JULY 1, 2013]: Sec. 23. (a) The board shall annually  
 31 prepare a budget for the purpose of operating and maintenance  
 32 expenditures of the authority and shall calculate the tax levy necessary  
 33 to provide funds for the operating expenditures necessary to carry out  
 34 the powers, duties, and functions of the authority. The budget must be  
 35 prepared and submitted:

- 36 (1) before or at the same time;
- 37 (2) in the same manner; and
- 38 (3) with notice;

39 as provided by the statutes relating to the preparation of budgets by  
 40 eligible entities. The budget is subject to the same review by the county  
 41 tax adjustment board and the department of local government finance  
 42 as exists under the general statutes relating to budgets of eligible

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entities.

(b) If the eligible entity that established the authority is a county, city, or town, the fiscal body of that entity may review and modify the authority's operating and maintenance budget and the tax levy to meet it, in the same manner as the budgets and tax levies of executive departments of that entity are reviewed and modified. This power includes the power to reduce any item of salary.

(c) Whenever a tax levy is required to finance the budget of an authority that was established by a city or town, the fiscal body of the county also may review the budget and tax levy of the authority, unless the district:

- (1) lies wholly within, or coincides with, the boundaries of a city or town;
- (2) is not the recipient of funds from a county-wide tax levy made specifically for the operating and maintenance budget for that authority; and
- (3) was established by the fiscal body of the city or town, acting independently.

However, the budget and tax levy of the authority are subject to review or modification by the fiscal body of the city or town with which it shares territory, in the same manner as the budgets and tax levies of the executive departments of that city or town are reviewed or modified.

(d) If an authority was established by another eligible entity or by two (2) or more eligible entities acting jointly, its operating and maintenance budget and the tax levy to meet it is subject to review and modification by the same body that reviews and modifies the budget of each of those entities in the same manner as the budgets and tax levies of those entities, including reduction of any item of salary.

(e) This subsection applies only to the airport authority established by the city of Gary. The following provisions apply if the board enters into a lease, management agreement, or other contract under an application approved by the Federal Aviation Administration under which the lessee or other operator agrees to lease, manage, or operate all or substantially all of the airport and its landing fields, air navigation facilities, and other buildings and structures owned by the authority:

- (1) The board shall, to the extent permitted by federal law or any grant agreement, make distributions to the city of Gary from the payments received under the lease, management agreement, or other contract.
- (2) The distributions to the city of Gary shall be made in installments and on the dates determined by the fiscal body of the

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1 city, and shall be paid to the fiscal officer of the city for deposit  
 2 in the city's general fund.  
 3 (3) Money distributed to the city of Gary under this subsection  
 4 may be used for any legal or corporate purpose of the city and  
 5 may not be used to reduce the city's maximum levy under  
 6 IC 6-1.1-18.5, but may be used at the discretion of the city fiscal  
 7 body to reduce the property tax levy of the city for a particular  
 8 year.  
 9 (f) The general assembly finds the following:  
 10 (1) The city of Gary faces:  
 11 (A) unique and distinct challenges due to high levels of  
 12 unemployment, the character and occupancy of real estate, and  
 13 the general economic conditions of the community; and  
 14 (B) unique and distinct opportunities related to transportation  
 15 and economic development;  
 16 that are different in scope and type than those faced by other units  
 17 of local government in Indiana.  
 18 (2) A unique approach is required to fully take advantage of the  
 19 economic development potential of the city of Gary, the  
 20 Gary/Chicago International Airport, and the Lake Michigan  
 21 shoreline.  
 22 (3) The powers and responsibilities provided to the airport  
 23 authority established by the city of Gary by subsection (e) and the  
 24 other provisions of this chapter are appropriate and necessary to  
 25 carry out the public purposes of encouraging economic  
 26 development and further facilitating the provision of air  
 27 transportation services and economic development projects in the  
 28 city of Gary.  
 29 (4) The exercise of the powers and responsibilities granted to the  
 30 airport authority established by the city of Gary by subsection (e)  
 31 and the other provisions of this chapter is critical to economic  
 32 development not only in the city of Gary, but throughout  
 33 northwest Indiana, and is a public purpose.  
 34 (5) Economic development benefits the health and welfare of the  
 35 people of Indiana, is a public use and purpose for which public  
 36 money may be spent, and is of public utility and benefit.  
 37 **(g) A board described in section 36 of this chapter that may not**  
 38 **levy a tax on property shall otherwise comply with this section to**  
 39 **the extent applicable.**  
 40 SECTION 4. IC 8-22-3-25 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 25. (a) Subject to  
 42 subsection (c), the board may provide a cumulative building fund in

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1 compliance with IC 6-1.1-41 to provide for the acquisition of real  
 2 property, and the construction, enlarging, improving, remodeling,  
 3 repairing, or equipping of buildings, structures, runways, or other  
 4 facilities for use in connection with the airport needed to carry out this  
 5 chapter and to facilitate and support commercial intrastate air  
 6 transportation. **A board described in section 36 of this chapter that**  
 7 **provides a cumulative building fund as described in this section**  
 8 **shall raise money for the fund in a manner other than levying a tax**  
 9 **under subsection (b).**

10 (b) The board may levy in compliance with IC 6-1.1-41 a tax not to  
 11 exceed:

12 (1) thirty-three hundredths of one cent (\$0.0033) on each one  
 13 hundred dollars (\$100) of assessed value of taxable property  
 14 within the district, if an eligible entity other than a city established  
 15 the district or if the district was established jointly with an eligible  
 16 entity that is not a city;

17 (2) one and thirty-three hundredths cents (\$0.0133) on each one  
 18 hundred dollars (\$100) of assessed value of taxable property  
 19 within the district, if the authority was established under  
 20 IC 19-6-3 (before its repeal on April 1, 1980); and

21 (3) for any other district not described in subdivision (1) or (2),  
 22 the following:

23 Total Assessed	Rate Per \$100 Of
24 Property Valuation	Assessed Valuation
25 \$300 million or less	\$0.0167
26 More than \$300 million	
27 but not more than \$450 million	\$0.0133
28 More than \$450 million	
29 but not more than \$600 million	\$0.01
30 More than \$600 million	
31 but not more than \$900 million	\$0.0067
32 More than \$900 million	\$0.0033

33 As the tax is collected it may be invested in negotiable United States  
 34 bonds or other securities that the federal government has the direct  
 35 obligation to pay. Any of the funds collected that are not invested in  
 36 government obligations shall be deposited in accordance with  
 37 IC 5-13-6 and shall be withdrawn in the same manner as money is  
 38 regularly withdrawn from the general fund but without further or  
 39 additional appropriation. The levy authorized by this section is in  
 40 addition to the levies authorized by section 11 and section 23 of this  
 41 chapter.

42 (c) Spending under subsection (a) to facilitate and support

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1 commercial intrastate air transportation is subject to a maximum of one  
2 million dollars (\$1,000,000) cumulatively for all years in which money  
3 is spent under that subsection.

4 SECTION 5. IC 8-22-3-31, AS AMENDED BY P.L.182-2009(ss),  
5 SECTION 270, IS AMENDED TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 2013]: Sec. 31. (a) The authority, acting by and  
7 through its board under IC 8-21-8, may accept, receive, and receipt for  
8 federal, other public, or private monies for the acquisition,  
9 construction, enlargement, improvement, maintenance, equipment, or  
10 operation of airports, other air navigation facilities, and sites for them,  
11 and comply with federal laws made for the expenditure of federal  
12 monies upon airports and other air navigation facilities.

13 (b) Subject to IC 8-21-8, the board has exclusive power to submit to  
14 the proper state and federal agencies applications for grants of funds  
15 for airport development and to make or execute representations,  
16 assurances and contracts, to enter into covenants and agreements with  
17 state or federal agency or agencies relative to the development of an  
18 airport, and to comply with all federal and state laws pertaining to the  
19 acquisition, development, operation, and administration of airports and  
20 properties by the authority.

21 (c) This subsection applies only to the airport authority established  
22 by the city of Gary. The authority may assign the powers described in  
23 this section to a lessee or other operator with whom it enters into a  
24 lease, management agreement, or other contract under section ~~11(20)~~  
25 **11(a)(20)** of this chapter if the board has determined that the lessee or  
26 other operator has the expertise and experience to operate the facilities  
27 of the authority in accordance with prudent airport operating standards.

28 SECTION 6. IC 8-22-3-36 IS ADDED TO THE INDIANA CODE  
29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
30 1, 2013]: **Sec. 36. (a) This section applies if the fiscal body of Clark  
31 County, acting individually or jointly with one (1) or more other  
32 entities, adopts an ordinance or a resolution under section 1 of this  
33 chapter to establish an authority.**

34 **(b) Notwithstanding:**  
35 **(1) section 11(a)(4) of this chapter;**  
36 **(2) section 17(a) of this chapter;**  
37 **(3) section 23 of this chapter;**  
38 **(4) section 25 of this chapter; and**  
39 **(5) any other law authorizing the board of an authority**  
40 **described in subsection (a) to levy a tax on property within the**  
41 **district;**  
42 **the board of the authority may not levy a tax on property within**

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1 **the district.**  
2 SECTION 7. IC 36-9-14.5-2 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. **(a)** The county  
4 legislative body may establish a cumulative capital development fund  
5 under IC 6-1.1-41 to provide money for any purpose for which property  
6 taxes may be imposed within the county under the authority of:

- 7 IC 3-11-6-9;
- 8 IC 8-16-3;
- 9 IC 8-16-3.1;
- 10 IC 8-22-3-25;
- 11 IC 14-27-6-48;
- 12 IC 14-33-14;
- 13 IC 16-22-8-41;
- 14 IC 16-22-5-2 through IC 16-22-5-15;
- 15 IC 36-9-14;
- 16 IC 36-9-15;
- 17 IC 36-9-16-2;
- 18 IC 36-9-16-3;
- 19 IC 36-9-27-100; or
- 20 IC 36-10-3-21.

21 **(b) The legislative body of a county described in IC 8-22-3-36**  
22 **may:**

- 23 **(1) establish a cumulative capital development fund described**
- 24 **in subsection (a) for a purpose set forth in IC 8-22-3-25; and**
- 25 **(2) levy a tax under section 6 of this chapter;**
- 26 **even though the board of directors of the airport authority that**
- 27 **serves the county is prohibited under IC 8-22-3-36 from levying a**
- 28 **tax under IC 8-22-3-25.**

29 SECTION 8. IC 36-9-15.5-2 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. **(a)** The legislative  
31 body of a municipality may establish a cumulative capital development  
32 fund under IC 6-1.1-41 to provide money for any purpose for which  
33 property taxes may be imposed within the municipality under the  
34 authority of:

- 35 IC 8-16-3;
- 36 IC 8-22-3-25;
- 37 IC 14-27-6-48;
- 38 IC 14-33-14;
- 39 IC 16-23-1-40;
- 40 IC 36-8-14;
- 41 IC 36-9-4-48;
- 42 IC 36-9-16-2;

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1 IC 36-9-16-3;  
2 IC 36-9-16.5;  
3 IC 36-9-17;  
4 IC 36-9-26;  
5 IC 36-9-27-100;  
6 IC 36-10-3-21; or  
7 IC 36-10-4-36.

8 **(b) The legislative body of a municipality located in a county**  
9 **described in IC 8-22-3-36 may:**

10 **(1) establish a cumulative capital development fund described**  
11 **in subsection (a) for a purpose set forth in IC 8-22-3-25; and**

12 **(2) levy a tax under section 6 of this chapter;**  
13 **even though the board of directors of the airport authority that**  
14 **serves the municipality is prohibited under IC 8-22-3-36 from**  
15 **levying a tax under IC 8-22-3-25.**

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