



Reprinted
February 7, 2025

SENATE BILL No. 468

DIGEST OF SB 468 (Updated February 6, 2025 2:49 pm - DI 116)

Citations Affected: IC 36-10.

Synopsis: Midwest continental divide commission. Allows an eligible county and city to establish by ordinance, a Midwest continental divide commission and district for the purpose of acquiring, developing, funding, constructing, equipping, owning, leasing, and financing economic improvement projects in or serving the district.

Effective: July 1, 2025.

**Niezgodski, Mishler, Rogers, Pol Jr.,
Randolph Lonnie M, Charbonneau,
Doriot**

January 13, 2025, read first time and referred to Committee on Appropriations.
January 23, 2025, amended, reported favorably — Do Pass.
February 6, 2025, read second time, amended, ordered engrossed.

SB 468—LS 7217/DI 87



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First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

SENATE BILL No. 468

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

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

1 SECTION 1. IC 36-10-16 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2025]:
4 **Chapter 16. Midwest Continental Divide Commission**
5 **Sec. 1. As used in this chapter, "airport authority" refers to an**
6 **airport authority established under IC 8-22-3.**
7 **Sec. 2. As used in this chapter, "board" refers to the commission**
8 **board appointed under section 19 of this chapter.**
9 **Sec. 3. As used in this chapter, "bonds" means, except as**
10 **otherwise provided, bonds, notes, or other evidences of**
11 **indebtedness issued by the commission.**
12 **Sec. 4. As used in this chapter, "commission" refers to the**
13 **Midwest continental divide commission which is the governing**
14 **body of the district.**
15 **Sec. 5. As used in this chapter, "commuter transportation**
16 **district" refers to a commuter transportation district established**
17 **under IC 8-5-15.**

SB 468—LS 7217/DI 87



1 **Sec. 6.** As used in this chapter, "development authority" refers
2 to a development authority established under IC 36-7.6-2-3.

3 **Sec. 7.** As used in this chapter, "district" refers to the Midwest
4 continental divide district designated under this chapter.

5 **Sec. 8.** As used in this chapter, "economic improvement project"
6 means the following:

7 (1) Planning or managing development or improvement
8 activities.

9 (2) Designing, landscaping, beautifying, constructing, or
10 maintaining common areas and attractions, public
11 improvements, a trail project, public or private ways
12 (including designing, constructing, or maintaining lighting),
13 infrastructure, utility facilities (and improvements and
14 equipment), water facilities (and improvements and
15 equipment), sewage facilities, rail projects, transportation
16 projects (and improvements and equipment), streets, or
17 sidewalks for a common area or public or private way.

18 (3) Promoting the district, commercial activity, or public
19 events.

20 (4) Supporting business recruitment and development.

21 (5) Providing security for public areas.

22 (6) Acquiring, constructing, or maintaining parking facilities.

23 (7) Constructing, rehabilitating, or repairing residential
24 property, including improvements related to the habitability
25 of the residential property.

26 (8) Acquiring, constructing, rehabilitating, or repairing
27 redevelopment projects, economic development facilities
28 described in IC 36-7-11.9-3, pollution control facilities
29 described in IC 36-7-11.9-9, or other local improvements.

30 **Sec. 9.** As used in this chapter, "eligible city" refers to a city
31 having a population of more than one hundred thousand (100,000)
32 and less than one hundred ten thousand (110,000).

33 **Sec. 10.** As used in this chapter, "eligible county" refers to a
34 county having a population of more than two hundred fifty
35 thousand (250,000) and less than three hundred thousand
36 (300,000).

37 **Sec. 11.** As used in this chapter, "eligible participant" refers to
38 a state agency, a development authority, a state or local body
39 corporate and politic, a tribal government of a reservation site, an
40 eligible county, an eligible city, and any other eligible unit, along
41 with any commission, authority, or building corporation of the
42 foregoing.



1 **Sec. 12.** As used in this chapter, "eligible unit" means a unit
2 within an eligible county.

3 **Sec. 13.** As used in this chapter, "land use and zoning plan"
4 means the zoning overlay district adopted by the eligible county
5 with the formation of the district.

6 **Sec. 14.** As used in this chapter, "net income" means the gross
7 income after deducting:

8 (1) the necessary operational expenses of the board in
9 performing its duties (the expenses not to exceed the amount
10 budgeted or approved); and

11 (2) any reserve provided for in the budget.

12 **Sec. 15.** As used in this chapter, "reservation site" means the
13 trust and reservation lands acquired under section 6 of the Act to
14 Restore Federal Services to the Pokagon Band of Potawatomi
15 Indians, P.L.103-323, Sept. 21, 1994, 108 Stat. 2154.

16 **Sec. 16.** As used in this chapter, "trail project" refers to the
17 acquisition, design, construction, and maintenance of a trail system
18 designed to leverage the continental divide, the state parks and
19 reserves, and the other ecotourism assets located in the territories
20 of an eligible unit or a reservation site.

21 **Sec. 17.** The commission established under this chapter is a
22 separate body corporate and politic that shall carry out the
23 purposes of this chapter by acquiring, developing, funding,
24 constructing, equipping, owning, leasing, and financing economic
25 improvement projects in or serving the district.

26 **Sec. 18. (a)** The commission may be established by the legislative
27 body of an eligible:

28 (1) county; and

29 (2) city;

30 upon the adoption of an ordinance approved by both bodies
31 establishing the commission.

32 **(b)** The ordinance establishing the commission shall designate
33 the boundaries of the Midwest continental divide district, if the
34 legislative bodies determine the following:

35 (1) The district's designation would encourage collaboration
36 and support development across jurisdictions.

37 (2) The district's efforts enhance the quality of life, create
38 cultural amenities, and preserve key land and natural
39 resources in at least one (1) eligible unit, a reservation site,
40 and the surrounding region.

41 (3) The existence of a development plan for the district that
42 includes the development of a trail project and that identifies



- 1 the trail project's objectives in a clearly focused and
 2 measurable fashion.
- 3 (4) The district's designation would catalyze new
 4 developments and attractions and improve tourism and the
 5 tourism industry in the eligible county and Indiana.
- 6 (5) The district's efforts would enhance a state park and a
 7 state nature preserve in the eligible county.
- 8 The commission, from time to time, may petition the legislative
 9 body of the eligible county and eligible city, as applicable, to
 10 expand the boundaries of the district inside the respective
 11 jurisdictions.
- 12 (c) The ordinance establishing the commission shall also:
- 13 (1) approve a land use and zoning plan for the district; and
 14 (2) provide that any change or variance in the land use and
 15 zoning plan requires the approval of the commission.
- 16 (d) The commission shall notify the state budget agency in
 17 writing promptly after the commission is established.
- 18 Sec. 19. (a) The commission is governed by the commission
 19 board composed of five (5) members.
- 20 (b) The board shall consist of the following five (5) members:
- 21 (1) One (1) member appointed by the eligible county
 22 executive.
- 23 (2) One (1) member appointed by the eligible city executive.
- 24 (3) One (1) member appointed by the speaker of the house of
 25 representatives.
- 26 (4) One (1) member appointed by the president pro tempore
 27 of the senate.
- 28 (5) One (1) member appointed by the Chair of the Pokagon
 29 Band of the Potawatomi.
- 30 (c) A legislative member of the board is a nonvoting advisory
 31 member. All other members are voting members.
- 32 (d) The term of a member is four (4) years. Legislative members
 33 of the board serve a two (2) year term ending June 30 of an
 34 odd-numbered year. However:
- 35 (1) the enabling ordinance may shorten the initial term of a
 36 member to stagger the terms of the board; and
 37 (2) a board member may be removed with or without cause at
 38 any time by the entity who appointed the member.
- 39 (e) If a vacancy occurs on the board, the appointing authority
 40 shall appoint a new member. Subject to subsection (d)(2), the
 41 member serves for the remainder of the vacated term.
- 42 (f) A board member may not receive a salary. However, a board



- 1 member is entitled to receive the following:
- 2 (1) A nonlegislative member is entitled to reimbursement for
- 3 any expenses necessarily incurred in the performance of the
- 4 member's duties. A reimbursement shall be paid from the
- 5 commission's funds.
- 6 (2) A legislative member is entitled to receive the same per
- 7 diem, mileage, and travel allowances established by the
- 8 legislative council and paid to members of the general
- 9 assembly serving on interim study committees. The
- 10 allowances shall be paid by the legislative services agency
- 11 from the amounts appropriated for that purpose.
- 12 **Sec. 20. (a)** At the organizational meeting described in section
- 13 21(b)(1) and 21(b)(2) of this chapter, the board shall elect the
- 14 following officers from the voting or nonvoting members:
- 15 (1) A chair.
- 16 (2) A vice chair.
- 17 (3) A secretary-treasurer.
- 18 (b) The affirmative vote of at least a majority of the voting
- 19 members of the board is necessary to elect an officer.
- 20 (c) An officer serves from the date of the officer's election until
- 21 the officer's successor is elected and qualified.
- 22 **Sec. 21. (a)** The commission is a public agency for purposes of
- 23 IC 5-14-1.5 and IC 5-14-3. The board is a governing body for
- 24 purposes of IC 5-14-1.5.
- 25 (b) The board shall meet quarterly subject to the following:
- 26 (1) Within thirty (30) days of the appointment of all the board
- 27 members, at the call of the board member appointed by the
- 28 county executive, the board shall hold its initial meeting for
- 29 the purpose of organization to elect officers in accordance
- 30 with section 20(a) of this chapter.
- 31 (2) In January 2027, and in each January thereafter, the
- 32 board shall hold an organizational meeting at the call of the
- 33 chair, or if the chair is unavailable, at the call of any other
- 34 two (2) members of the board to elect officers in accordance
- 35 with section 20(a) of this chapter.
- 36 (3) After the organization meetings described in subdivisions
- 37 (1) and (2), all subsequent quarterly meetings shall be held at
- 38 the call of the chair or, if the chair is unavailable, at the call
- 39 of any other two (2) members of the board.
- 40 (c) In addition to the regularly scheduled quarterly meetings
- 41 described in subsection (b), the board may meet up to two (2) more
- 42 times annually at the call of the chair or, if the chair is unavailable,



1 at the call of any other two (2) members of the board.

2 (d) Three (3) members of the board constitute a quorum.

3 (e) The affirmative votes of at least a majority of the voting
4 members of the board are necessary to authorize any action of the
5 commission.

6 (f) The eligible county and the eligible city may provide staff
7 support for the board.

8 (g) The commission may conduct meetings electronically as
9 provided in IC 36-7-14.5-9.5.

10 Sec. 22. The board shall adopt the bylaws and rules that the
11 board considers necessary for the proper conduct of the board's
12 duties and the safeguarding of the commission's funds and
13 property.

14 Sec. 23. (a) The commission shall comply with IC 5-22 (public
15 purchasing), IC 36-1-12 (public work projects), and any applicable
16 federal bidding statutes and regulations. A purchasing agency (as
17 defined in IC 5-22-2-25) of a political subdivision or other eligible
18 participant may:

19 (1) assign or sell a lease for property to the commission; or

20 (2) enter into a lease for property with the commission;

21 at any price and under any other terms and conditions as may be
22 determined by the political subdivision or eligible participant.

23 (b) The commission may purchase real property and shall first
24 approve the price to be offered to the owner of each parcel of
25 interest. For properties and interests in real property that:

26 (1) are not for sale at auction; or

27 (2) have a total purchase price (including land and structures,
28 if any) of at least seventy-five thousand dollars (\$75,000);

29 the initial price to be offered may not exceed the average of two (2)
30 independent appraisals of fair market value procured by the
31 commission, except that appraisals are not required in transactions
32 with other governmental agencies. The price offered may not
33 exceed the average of the two (2) appraisals unless specifically
34 authorized by the commission or ordered by a court in
35 condemnation proceedings. Appraisals made under this subsection
36 are for the information of the commission and are not public
37 records or open for public inspection. Negotiations for the
38 purchase of property may be carried on directly by the
39 commission, by its employees, or by expert negotiators, but no
40 option, contract, or understanding related to the purchase of real
41 property is binding on the commission until approved and accepted
42 by the commission in writing. The commission may also authorize



1 the payment of a nominal fee to bind an option and as a part of the
2 consideration for conveyance may agree to pay the expense
3 incident to the conveyance and determination of the title of the
4 property. Payment for the property purchased shall be made when
5 and as directed by the commission, but only on delivery of proper
6 instruments conveying the title or interest of the owner to the
7 "Midwest Continental Divide Commission". All real property and
8 interests in real property acquired by the commission are free and
9 clear of all governmental liens, assessments, and other
10 governmental charges except for current property taxes, which
11 shall be prorated to the date of acquisition.

12 (c) Notwithstanding subsections (a) and (b), the commission
13 may, before the time referred to in this section, accept gifts of
14 property if the property is free and clear of all governmental liens
15 other than taxes, assessments, and other governmental charges.
16 The commission may, before the time referred to in this section,
17 take options on or contract for the acquisition of property if the
18 options and contracts are not binding on the commission until the
19 time referred to in this section and until money is available to pay
20 the consideration set out in the options or contracts.

21 (d) The provisions of this section do not apply to any
22 improvements made by an entity with proceeds of revenue bonds
23 issued by the commission that are purchased, payable, or otherwise
24 secured by such entity or its designee pursuant to a financing
25 agreement with such entity.

26 Sec. 24. (a) The provisions of this section concerning
27 publication, bidding, and other procedures and requirements do
28 not apply to sales, leases, or other dispositions of real property to
29 eligible participants or Indiana nonprofit corporations or, if
30 constructed by a developer with revenue bond proceeds, to such
31 developer. The provisions of this section also do not prevent the
32 commission from renewing leases encumbering a property
33 acquired by the commission if the renewals do not collectively
34 exceed five (5) years.

35 (b) Before offering for sale or lease to the public any of the real
36 property acquired, the commission shall cause two (2) separate
37 appraisals of the sale value, or rental value in case of a lease, to be
38 made by independent appraisers. However, if the real property is
39 less than five (5) acres in size and the fair market value of the real
40 property or interest has been appraised by one (1) independent
41 appraiser at less than fifty thousand dollars (\$50,000), the
42 commission may proceed with one (1) appraisal. In making



1 appraisals, the appraisers shall take into consideration the size,
2 location, and physical condition of the parcels, the advantages
3 accruing to the parcels under the development plan, and all other
4 factors having a bearing on the value of the parcels. The appraisals
5 are solely for the information of the commission, and are not open
6 for public inspection.

7 (c) Upon completion of the appraisals described in subsection
8 (b), the commission shall prepare an offering sheet showing the
9 parcels to be offered and the offering prices, which may not be less
10 than the average of the two (2) appraisals. Copies of the offering
11 sheet shall be furnished to prospective buyers on request. Maps
12 and plats showing the size and location of all parcels to be offered
13 shall also be kept available for inspection at the office of the
14 commission.

15 (d) The commission shall publish notice in accordance with
16 IC 5-3-1. The notice must state that at a designated time the
17 commission will open and consider written offers for the purchase
18 or lease of the real property being offered. In giving the notice it is
19 not necessary to describe each parcel separately, or to specify the
20 exact terms of disposition, but the notice must state:

- 21 (1) the general location of the parcels;
22 (2) any limitations on the use to be made of the real property
23 offered; and
24 (3) that a bid submitted by a trust (as defined in
25 IC 30-4-1-1(a)) must identify each:
26 (A) beneficiary of the trust; and
27 (B) settlor empowered to revoke or change the trust.

28 (e) The notice shall provide when offers are due, and the
29 commission shall open the offers at a public meeting. These offers
30 may consist of consideration in the form of cash, other property, or
31 a combination of cash and other property. However, with respect
32 to property other than cash, the offer must be accompanied by
33 evidence of the property's fair market value that is satisfactory to
34 the commission in its sole discretion. All offers received shall be
35 opened at public meetings of the commission and shall be kept open
36 for public inspection.

37 (f) The commission may reject any bids and may make awards
38 to the highest and best bidders. In determining the best bids, the
39 commission shall take into consideration the following factors:

- 40 (1) The size and character of the improvements proposed to
41 be made by the bidder on the real property bid on.
42 (2) The bidder's plans and ability to improve the real property



1 with reasonable promptness.

2 (3) If the real property when improved will be sold or rented.

3 (4) The bidder's proposed sale or rental prices.

4 (5) The bidder's compliance with subsection (d)(3).

5 (6) Any factors that will assure the commission that the sale
6 or lease, if made, will further the execution of the
7 commission's development plan and best serve the interest of
8 the community, from the standpoint of both human and
9 economic welfare.

10 (g) The commission may contract with a bidder in regard to the
11 factors listed in subsection (f), and the contract may provide for the
12 deposit of surety bonds, the making of good faith deposits,
13 liquidated damages, the right of repurchase, or other rights and
14 remedies if the bidder fails to comply with the contract.

15 (h) After the opening and consideration of the written offers
16 filed in response to the notice, the commission may dispose of the
17 remainder of the available real property either at public sale or by
18 private negotiation carried on by the commission, the commission's
19 regular employees, or real estate experts employed for that
20 purpose. For a period of thirty (30) days after the opening of the
21 written offers, no sale or lease may be made at a price or rental less
22 than that shown on the offering sheet, except in the case of sales or
23 rentals of ten (10) or more parcels to a purchaser or lessee who
24 agrees to improve the parcels immediately, but after that period
25 the commission may adjust the offering prices in the manner the
26 commission considers necessary to further the development plan.

27 (i) A conveyance under this section may not be made until the
28 agreed consideration has been paid, unless the commission passes
29 a resolution expressly providing that the consideration does not
30 need to be paid before the conveyance is made. In addition, such a
31 resolution may provide for a mortgage or other security. All deeds,
32 leases, land sale contracts, or other conveyances, and all contracts
33 and agreements, including contracts of purchase and sale and
34 contracts for advancements, loans, grants, contributions, or other
35 aid, shall be executed in the name of the "Midwest Continental
36 Divide Commission ", and shall be signed by the chair or vice chair
37 of the commission and attested by the commission's
38 secretary-treasurer. A seal is not required on these instruments or
39 any other instruments executed in the name of the commission.

40 (j) Once a property has been leased in accordance with this
41 section, such lease may be renewed, extended, or replaced by the
42 commission provided that the commission shall secure one (1) or



1 more appraisals to evidence the existing fair market lease rental to
 2 the extent such renewals collectively exceed five (5) years from the
 3 expiration or termination of the original lease term or each
 4 extension or new lease interval entered into thereafter. The
 5 commission shall consider the results of such appraisals before the
 6 approval of such lease renewal or new lease.

7 **Sec. 25. (a)** The state board of accounts shall, pursuant to
 8 IC 5-11-1-7 and IC 5-11-1-24, allow the commission to contract
 9 with a certified public accountant for an annual financial audit of
 10 the commission. The certified public accountant may not have a
 11 significant financial interest in a project, facility, or service funded
 12 by or leased by or to the commission. The certified public
 13 accountant selected by the commission must be approved by the
 14 state examiner and is subject to the direction of the state examiner
 15 while performing an annual financial audit under this chapter.

16 (b) The certified public accountant shall present an audit report
 17 not later than four (4) months after the end of each calendar year
 18 and shall make recommendations to improve the efficiency of the
 19 commission's operations. The certified public accountant shall also
 20 perform a study and evaluation of internal accounting controls and
 21 shall express an opinion on the controls that were in effect during
 22 the audit period.

23 (c) The commission shall pay the cost of the annual financial
 24 audit under subsection (a). In addition, the state board of accounts
 25 may at any time conduct an audit of any phase of the operations of
 26 the commission. The commission shall pay the cost of any audit by
 27 the state board of accounts.

28 (d) The state board of accounts may waive the requirement that
 29 a certified public accountant perform an annual financial audit of
 30 the commission for a particular year if the commission certifies to
 31 the state board of accounts that the commission had no financial
 32 activity during that year.

33 **Sec. 26. (a)** The commission shall do the following:

34 (1) Assist in the coordination of efforts concerning projects
 35 that are located in or otherwise affect the district.

36 (2) Assist an eligible county, an eligible unit, a tribal
 37 government of a reservation site, and a development authority
 38 in coordinating tourism and economic development efforts
 39 related to or that otherwise leverage economic improvement
 40 projects in or serving the district.

41 (3) Provide for the design, development, construction,
 42 operation, and maintenance of the trail project.



- 1 **(b) The commission may do any of the following:**
2 **(1) Finance, improve, construct, reconstruct, renovate,**
3 **purchase, lease, acquire, and equip land and economic**
4 **improvement projects.**
5 **(2) Lease land or an economic improvement project.**
6 **(3) Finance and construct additional improvements to**
7 **economic improvement projects or other capital**
8 **improvements owned by the commission and lease them to or**
9 **for the benefit of an eligible participant.**
10 **(4) Acquire land or all or a part of one (1) or more economic**
11 **improvement projects from an eligible participant or an**
12 **Indiana nonprofit corporation by purchase or lease and lease**
13 **the land or economic improvement projects back to the**
14 **eligible participant or Indiana nonprofit, with any additional**
15 **improvements that may be made to the land or economic**
16 **improvement projects.**
17 **(5) Acquire all or a part of one (1) or more economic**
18 **improvement projects from an eligible participant by**
19 **purchase or lease to fund or refund indebtedness incurred on**
20 **account of the economic improvement projects to enable the**
21 **eligible participant to make a savings in debt service**
22 **obligations or lease rental obligations or to get relief from**
23 **covenants that the eligible participant considers to be unduly**
24 **burdensome.**
25 **(6) Make loans, loan guarantees, and grants or provide other**
26 **financial assistance to or on behalf of the following for**
27 **economic improvement projects:**
28 **(A) A commuter transportation district.**
29 **(B) An airport authority.**
30 **(C) A regional transportation authority.**
31 **(D) An eligible county.**
32 **(E) An eligible unit.**
33 **(7) Provide funding for economic improvement projects.**
34 **(8) Hold, use, lease, rent, purchase, acquire, and dispose of by**
35 **purchase, exchange, gift, bequest, grant, condemnation**
36 **(subject to subsection (d)), lease, or sublease, on the terms and**
37 **conditions determined by the commission, any real or**
38 **personal property.**
39 **(9) After giving notice, enter upon any lots or lands for the**
40 **purpose of surveying or examining the lots or lands to**
41 **determine the location of an economic improvement project.**
42 **(10) Make or enter into all contracts and agreements**



- 1 necessary or incidental to the performance of the
- 2 commission's duties and the execution of the commission's
- 3 powers under this chapter.
- 4 (11) Sue, be sued, plead, and be impleaded.
- 5 (12) Design, order, contract for, construct, reconstruct, and
- 6 renovate an economic improvement project.
- 7 (13) Appoint or contract for an executive director and employ
- 8 appraisers, real estate experts, engineers, architects,
- 9 surveyors, attorneys, accountants, auditors, clerks,
- 10 construction managers, and any consultants or employees that
- 11 are necessary or desired by the commission in exercising the
- 12 commission's powers or carrying out the commission's duties
- 13 under this chapter.
- 14 (14) Accept loans, grants, and other forms of financial
- 15 assistance from the federal government, the state government,
- 16 an eligible participant, or any other public or private source.
- 17 (15) Use the commission's funds to match federal grants or
- 18 make loans, loan guarantees, or grants to carry out the
- 19 commission's powers and duties under this chapter.
- 20 (16) Recommend any changes and approve any requested
- 21 variances to the land use and zoning plan for the district.
- 22 (17) Except as prohibited by law, take any action necessary to
- 23 carry out this chapter.
- 24 (c) If the commission is unable to agree with the owners, lessees,
- 25 or occupants of any real property in the district selected for the
- 26 purposes of this chapter, the commission may proceed under
- 27 IC 32-24-1 to procure the condemnation of the property, subject to
- 28 the approvals set forth in subsection (d). The commission may not
- 29 institute a proceeding until it has adopted a resolution that:
- 30 (1) describes the real property sought to be acquired and the
- 31 purpose for which the real property is to be used;
- 32 (2) declares that the public interest and necessity require the
- 33 acquisition by the commission of the property involved; and
- 34 (3) sets out any other facts that the commission considers
- 35 necessary or pertinent.
- 36 The resolution is conclusive evidence of the public necessity of the
- 37 proposed acquisition.
- 38 (d) The commission may exercise the power of eminent domain
- 39 as provided in section 23 of this chapter and subsection (c)
- 40 concerning a particular property only if the acquisition of the real
- 41 property has been approved by:
- 42 (1) the legislative body of the eligible city if the property is



1 located inside the eligible city; or
 2 (2) the legislative body of the eligible county if the property is
 3 not located inside the eligible city.

4 **Sec. 27. The commission may enter into an agreement with an**
 5 **eligible participant or Indiana nonprofit corporation to:**

6 (1) jointly equip, own, lease, and finance economic
 7 improvement projects in or serving the district; or
 8 (2) otherwise carry out the purposes of the commission.

9 **Sec. 28. The commission shall before April 1 of each year issue**
 10 **a report to the legislative council, budget committee, and the**
 11 **legislative body and executive of the eligible county and the eligible**
 12 **city concerning the operations and activities of the commission**
 13 **during the preceding calendar year. The report to the legislative**
 14 **council must be in an electronic format under IC 5-14-6.**

15 **Sec. 29. (a) The board shall establish and administer the**
 16 **commission fund.**

17 **(b) The commission fund consists of the following:**

18 (1) Amounts transferred to the fund by an eligible county or
 19 eligible unit, including any payments required under an
 20 interlocal agreement or other similar agreement between the
 21 eligible county or eligible unit, or by another eligible
 22 participant. The transfers allowed by this subdivision from an
 23 eligible county or eligible unit may be made from any local
 24 revenue of an eligible county or eligible unit, as applicable,
 25 including any department or instrumentality thereof, which
 26 local revenue may include property tax revenue, tax
 27 increment financing revenues, distributions, incentive
 28 payments, money deposited in the eligible county's or eligible
 29 unit's local major moves construction fund under IC 8-14-16,
 30 money received by an eligible participant under a
 31 development or interlocal agreement, or any other local
 32 revenue that is not otherwise restricted by law or committed
 33 for the payment of other obligations.

34 (2) Appropriations, grants, or other distributions made to the
 35 fund by the state.

36 (3) Money received from the federal government.

37 (4) Gifts, contributions, donations, and private grants made
 38 to the fund.

39 **(c) On the date the commission issues bonds or lease obligations**
 40 **for any purpose under this chapter, which are secured in whole or**
 41 **in part by the commission fund, the board shall establish and**
 42 **administer two (2) or more accounts within the commission fund.**



1 **The accounts must be the general account and the applicable bond**
2 **or lease rental account. To the extent the commission pledges**
3 **money transferred to the commission under subsection (b), the**
4 **applicable pledged funds shall be deposited consistent with the**
5 **applicable pledge resolution to secure the payment of applicable**
6 **obligations.**

7 **(d) All nonpledged money and revenue of the commission may**
8 **be deposited in the general account at the discretion of the board,**
9 **and such deposits may be used for any purpose authorized by this**
10 **chapter.**

11 **(e) The commission fund shall be administered by the board that**
12 **established the commission fund.**

13 **(f) Money in the commission fund shall be used by the**
14 **commission to carry out this chapter and does not revert to any**
15 **other fund.**

16 **Sec. 30. (a) The commission may issue bonds for the purpose of**
17 **obtaining money to pay the cost of:**

18 **(1) acquiring real or personal property, including existing**
19 **capital improvements;**

20 **(2) acquiring, constructing, improving, reconstructing, or**
21 **renovating one (1) or more economic improvement projects;**
22 **or**

23 **(3) funding or refunding bonds issued under this chapter,**
24 **IC 36-7-14, IC 36-7-12, or other applicable law.**

25 **(b) The bonds are payable solely from:**

26 **(1) the lease rentals from the lease of the economic**
27 **improvement projects for which the bonds were issued,**
28 **insurance proceeds, and any other funds pledged or available;**
29 **and**

30 **(2) except as otherwise provided by law, revenue received by**
31 **the commission and amounts deposited in the commission**
32 **fund.**

33 **(c) The bonds must be authorized by a resolution of the board**
34 **of the commission that issues the bonds.**

35 **(d) The terms and form of the bonds must either be set out in**
36 **the resolution or in a form of trust indenture approved by the**
37 **resolution.**

38 **(e) The bonds must mature no later than twenty (20) years.**

39 **(f) A board may sell the bonds to the Indiana bond bank**
40 **established by IC 5-1.5-2-1 upon the terms determined by the**
41 **board and the Indiana bond bank.**

42 **(g) All money received from any bonds issued under this**



1 chapter shall be applied solely to the payment of the cost of
 2 acquiring, constructing, improving, reconstructing, or renovating
 3 one (1) or more economic improvement projects, or the cost of
 4 refunding or refinancing outstanding bonds, for which the bonds
 5 are issued. The cost may include costs associated with economic
 6 improvement projects, including:

7 (1) planning and development of equipment or a facility and
 8 all buildings, facilities, structures, equipment, and
 9 improvements related to the facility;

10 (2) acquisition of a site and clearing and preparing the site for
 11 construction;

12 (3) equipment, facilities, structures, and improvements that
 13 are necessary or desirable to make the project suitable for use
 14 and operations;

15 (4) architectural, engineering, consultant, and attorney's fees;

16 (5) incidental expenses in connection with the issuance and
 17 sale of bonds;

18 (6) reserves for principal and interest;

19 (7) interest during construction;

20 (8) financial advisory fees;

21 (9) insurance during construction;

22 (10) municipal bond insurance, debt service reserve
 23 insurance, letters of credit, or other credit enhancement; and

24 (11) in the case of refunding or refinancing, payment of the
 25 principal of, redemption premiums (if any) for, and interest
 26 on the bonds being refunded or refinanced.

27 (h) The commission may not issue bonds or execute a lease
 28 under this chapter or otherwise finance debt payable from funds
 29 from an eligible county, an eligible unit, or any department or
 30 instrumentality thereof unless:

31 (1) the commission enters into an interlocal or other similar
 32 agreement with the eligible county, eligible entity, or any
 33 department or instrumentality that is committing funds to an
 34 economic improvement project to be supported by the bonds
 35 or subject to the lease; and

36 (2) the fiscal body of each eligible county or eligible city that
 37 is committing funds to the economic improvement project to
 38 be supported by the bonds or subject to the lease approves the
 39 agreement described in subdivision (1) by ordinance.

40 Sec. 31. This chapter contains full and complete authority for
 41 the issuance of bonds. No law, procedure, proceedings,
 42 publications, notices, consents, approvals, orders, or acts by the



1 commission or any other officer, department, agency, or
 2 instrumentality of the state or of any political subdivision is
 3 required to issue any bonds, except as prescribed in this chapter.

4 Sec. 32. (a) The commission may secure bonds issued under this
 5 chapter by a trust indenture between the commission and a
 6 corporate trustee, which may be any trust company or national or
 7 state bank in Indiana that has trust powers.

8 (b) The trust indenture may:

9 (1) pledge or assign revenue received by the commission,
 10 amounts deposited in the commission fund, and lease rentals,
 11 receipts, and income from leased economic improvement
 12 projects, but may not mortgage land or economic
 13 improvement projects owned by the commission;

14 (2) contain reasonable and proper provisions for protecting
 15 and enforcing the rights and remedies of the bondholders,
 16 including covenants setting forth the duties of the commission
 17 and board;

18 (3) set forth the rights and remedies of bondholders and
 19 trustees; and

20 (4) restrict the individual right of action of bondholders.

21 (c) Any pledge or assignment made by the commission under
 22 this section is valid and binding in accordance with IC 5-1-14-4
 23 from the time that the pledge or assignment is made, against all
 24 persons whether they have notice of the lien or not. Any trust
 25 indenture by which a pledge is created or an assignment made need
 26 not be filed or recorded. The lien is perfected against third parties
 27 in accordance with IC 5-1-14-4.

28 Sec. 33. (a) Bonds issued under IC 36-7-12, IC 36-7-14, or other
 29 applicable law may be refunded as provided in this section.

30 (b) An eligible participant or Indiana nonprofit corporation
 31 may:

32 (1) lease all or a part of land or an economic improvement
 33 project or projects to the commission, which may be at a
 34 nominal lease rental with a lease back to the respective
 35 eligible participant or Indiana nonprofit corporation,
 36 conditioned upon the commission assuming the earlier bonds
 37 issued and issuing its bonds to refund those bonds; and

38 (2) sell all or a part of land or an economic improvement
 39 project or projects to the commission for a price sufficient to
 40 provide for the refunding of those bonds and lease back the
 41 land or economic improvement project or projects from the
 42 commission.



1 **Sec. 34. (a) Before a lease may be entered into by an eligible**
 2 **participant under this chapter, the eligible participant must find**
 3 **that the lease rental provided for is fair and reasonable.**

4 **(b) A lease of land or an economic improvement project from**
 5 **the commission to an eligible participant or Indiana nonprofit**
 6 **corporation:**

7 **(1) may not have a term exceeding twenty (20) years;**

8 **(2) may not require payment of lease rentals for a newly**
 9 **constructed economic improvement project or for**
 10 **improvements to an existing economic improvement project**
 11 **until the economic improvement project or improvements to**
 12 **the economic improvement project have been completed and**
 13 **are ready for occupancy or use;**

14 **(3) may contain provisions:**

15 **(A) allowing the eligible participant or Indiana nonprofit**
 16 **to continue to operate an existing economic improvement**
 17 **project until completion of the acquisition, improvements,**
 18 **reconstruction, or renovation of that economic**
 19 **improvement project or any other economic improvement**
 20 **project; and**

21 **(B) requiring payment of lease rentals for land, for an**
 22 **existing economic improvement project being used,**
 23 **reconstructed, or renovated, or for any other existing**
 24 **economic improvement project;**

25 **(4) may contain an option to renew the lease for the same or**
 26 **a shorter term on the conditions provided in the lease;**

27 **(5) must contain an option for the eligible participant or**
 28 **Indiana nonprofit corporation to purchase the economic**
 29 **improvement project upon the terms stated in the lease**
 30 **during the term of the lease for a price equal to the amount**
 31 **required to pay all indebtedness incurred on account of the**
 32 **economic improvement project, including indebtedness**
 33 **incurred for the refunding of that indebtedness;**

34 **(6) may be entered into before acquisition or construction of**
 35 **an economic improvement project;**

36 **(7) may provide that the eligible participant shall agree to:**

37 **(A) pay any taxes and assessments on the economic**
 38 **improvement project;**

39 **(B) maintain insurance on the economic improvement**
 40 **project for the benefit of the commission;**

41 **(C) assume responsibility for utilities, repairs, alterations,**
 42 **and any costs of operation; and**



1 (D) pay a deposit or series of deposits to the commission
 2 from any funds available to the eligible participant before
 3 the start of the lease to secure the performance of the
 4 eligible participant's obligations under the lease; and
 5 (8) must provide that the lease rental payments by the eligible
 6 participant shall be made from the commission fund
 7 established under section 29 of this chapter and may provide
 8 that the lease rental payments by the eligible participant shall
 9 be made from:

- 10 (A) net revenues of the economic improvement project;
 11 (B) any other funds available to the eligible participant; or
 12 (C) both sources described in clauses (A) and (B).

13 Sec. 35. This chapter contains full and complete authority for
 14 leases between the commission and an eligible participant. No law,
 15 procedure, proceedings, publications, notices, consents, approvals,
 16 orders, or acts by the commission or the eligible participant or any
 17 other officer, department, agency, or instrumentality of the state
 18 or any political subdivision is required to enter into any lease,
 19 except as prescribed in this chapter.

20 Sec. 36. If the lease provides for an economic improvement
 21 project or improvements to an economic improvement project to
 22 be constructed by the commission, the plans and specifications
 23 shall be submitted to and approved by all agencies designated by
 24 law to pass on plans and specifications for such project or
 25 improvements.

26 Sec. 37. The commission may enter into common wall (party
 27 wall) agreements or other agreements concerning easements or
 28 licenses. These agreements shall be recorded with the recorder of
 29 the county in which the economic improvement project is located.

30 Sec. 38. (a) An eligible participant or Indiana nonprofit may
 31 lease for a nominal lease rental, or sell to the commission, one (1)
 32 or more economic improvement projects or parts of an economic
 33 improvement project or land on which an economic improvement
 34 project is located or is to be constructed.

35 (b) Any lease of all or a part of an economic improvement
 36 project by an eligible participant or Indiana nonprofit to the
 37 commission must be for a term equal to the term of the lease of
 38 that economic improvement project back to the eligible participant
 39 or Indiana nonprofit corporation.

40 (c) An eligible participant may sell property to the commission
 41 for the amount the eligible participant determines to be in the best
 42 interest of the eligible participant. The commission may pay that



1 amount from the proceeds of bonds of the commission.

2 **Sec. 39. (a) All:**

3 (1) property owned by the commission or lease interest of the
4 commission;

5 (2) revenue of the commission; and

6 (3) bonds issued by the commission, the interest on the bonds,
7 the proceeds received by a holder from the sale of bonds to
8 the extent of the holder's cost of acquisition, proceeds received
9 upon redemption before maturity, proceeds received at
10 maturity, and the receipt of interest in proceeds;

11 are exempt from taxation in Indiana for all purposes except the
12 financial institutions tax imposed under IC 6-5.5.

13 (b) A contractor may issue an exemption certificate under
14 IC 6-2.5-8-8 to a vendor when purchasing tangible personal
15 property to be incorporated into real property on land owned or
16 leased by the commission located in the district.

17 (c) All securities issued under this chapter are exempt from the
18 registration requirements of IC 23-19 and other securities
19 registration statutes.

20 **Sec. 40.** Bonds issued under this chapter are legal investments
21 for private trust funds and the funds of banks, trust companies,
22 insurance companies, building and loan associates, credit unions,
23 savings banks, private banks, loan and trust and safe deposit
24 companies, rural loan and savings associations, guaranty loan and
25 savings associations, mortgage guaranty companies, small loan
26 companies, industrial loan and investment companies, and other
27 financial institutions organized under Indiana law. The bonds are
28 also made securities that may be deposited with and received by all
29 public officers and bodies of Indiana or any agency or political
30 subdivision of Indiana and all municipalities and public
31 commissions for any purpose for which the deposit of bonds or
32 other obligations of Indiana is now or may be later authorized by
33 law.

34 **Sec. 41.** An action to contest the validity of bonds to be issued
35 under this chapter may not be brought after the time limitations
36 set forth in IC 5-1-14-13.

37 **Sec. 42. (a)** This section applies if an eligible county or an
38 eligible unit fails to make a transfer or part of a transfer required
39 by:

40 (1) section 29 of this chapter; or

41 (2) an interlocal or other similar agreement executed under
42 section 30(h) of this chapter that is required to satisfy the



1 eligible county's or eligible unit's obligation to contribute to
 2 the satisfaction of outstanding bonds or other debt or lease of
 3 the commission.
 4 **(b) The treasurer of state or treasurer of county, as applicable,**
 5 **shall do the following:**
 6 **(1) Withhold an amount equal to the amount of the transfer**
 7 **or part of the transfer under section 29 of this chapter that**
 8 **the eligible county or eligible unit failed to make from money**
 9 **in the possession of the state that would otherwise be available**
 10 **for distribution to the eligible county or eligible unit under**
 11 **any other law.**
 12 **(2) Pay the amount withheld under subdivision (1) to the**
 13 **commission to satisfy the eligible county's or eligible unit's**
 14 **obligations to the commission.**
 15 **Sec. 43. (a) If there are bonds outstanding that have been issued**
 16 **under this chapter by the commission and are not secured by a**
 17 **lease, or if there are leases in effect under this chapter, the general**
 18 **assembly covenants that it will not reduce the amount required to**
 19 **be transferred under section 29 or 30(h) of this chapter from an**
 20 **eligible county or eligible unit to the commission below an amount**
 21 **that would produce one and twenty-five hundredths (1.25)**
 22 **multiplied by the total of the highest annual debt service on the**
 23 **bonds to their final maturity plus the highest annual lease**
 24 **payments on the leases to their final termination date.**
 25 **(b) The general assembly covenants that the general assembly**
 26 **will not:**
 27 **(1) repeal or amend this chapter in a manner that would**
 28 **adversely affect owners of outstanding bonds, or the payment**
 29 **of lease rentals, secured by the amounts pledged under this**
 30 **chapter; or**
 31 **(2) in any way impair the rights of owners of bonds of the**
 32 **commission, or the owners of bonds secured by lease rentals,**
 33 **secured by a pledge of revenues under this chapter;**
 34 **except as otherwise set forth in subsection (a).**



COMMITTEE REPORT

Mr. President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 468, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 8, delete "20" and insert "19".

Page 2, delete line 42.

Page 3, delete lines 1 through 3.

Page 3, line 4, delete "14." and insert "13."

Page 3, line 7, delete "15." and insert "14."

Page 3, line 13, delete "16." and insert "15."

Page 3, line 17, delete "17." and insert "16."

Page 3, line 22, delete "18." and insert "17."

Page 3, line 27, delete "19." and insert "18."

Page 4, line 19, delete "20." and insert "19."

Page 4, line 25, delete "of the house of representatives".

Page 4, line 27, delete "of the senate".

Page 4, delete lines 29 through 33, begin a new line block indented and insert:

"(5) One (1) member appointed by the Chair of the Pokagon Band of the Potawatomi."

Page 5, line 17, delete "21." and insert "20."

Page 5, line 27, delete "22." and insert "21."

Page 5, line 38, delete "23." and insert "22."

Page 5, line 42, delete "24." and insert "23."

Page 7, line 12, delete "25." and insert "24."

Page 9, line 35, delete "26." and insert "25."

Page 10, line 19, delete "27." and insert "26."

Page 12, line 25, delete "24" and insert "23".

Page 12, line 32, delete "28." and insert "27."

Page 12, line 37, delete "29." and insert "28."

Page 13, line 1, delete "30." and insert "29."

Page 13, delete lines 35 through 42.

Page 14, delete lines 1 through 4.

Page 14, line 5, delete "(e)" and insert "(d)".

Page 14, line 9, delete "(f)" and insert "(e)".

Page 14, line 11, delete "(g)" and insert "(f)".

Page 14, line 14, delete "31." and insert "30."

Page 14, line 36, delete "forty (40)" and insert "twenty (20)".

Page 15, line 38, delete "32." and insert "31."

Page 16, line 2, delete "33." and insert "32."



Page 16, line 26, delete "34." and insert "33."
Page 16, line 41, delete "35." and insert "34."
Page 17, line 5, delete "forty (40)" and insert "twenty (20)".
Page 18, line 5, delete "30" and insert "29".
Page 18, line 11, delete "36." and insert "35."
Page 18, line 18, delete "37." and insert "36."
Page 18, line 24, delete "38." and insert "37."
Page 18, line 28, delete "39." and insert "38."
Page 18, line 42, delete "40." and insert "39."
Page 19, line 18, delete "41." and insert "40."
Page 19, line 32, delete "42." and insert "41."
Page 19, line 35, delete "43." and insert "42."
Page 19, line 38, delete "30" and insert "29".
Page 19, line 40, "delete "31(h)" and insert "30(h)".
Page 20, line 5, delete "30" and insert "29".
Page 20, line 13, delete "44." and insert "43."
Page 20, line 17, delete "30 or 31(h)" and insert "29 or 30(h)".

and when so amended that said bill do pass.

(Reference is to SB 468 as introduced.)

MISHLER, Chairperson

Committee Vote: Yeas 10, Nays 0.

SENATE MOTION

Mr. President: I move that Senate Bill 468 be amended to read as follows:

Page 2, delete lines 30 through 33, begin a new paragraph and insert:

"Sec. 9. As used in this chapter, "eligible city" refers to a city having a population of more than one hundred thousand (100,000) and less than one hundred ten thousand (110,000).

Sec. 10. As used in this chapter, "eligible county" refers to a county having a population of more than two hundred fifty thousand (250,000) and less than three hundred thousand (300,000)."

Page 4, delete line 27, begin a new paragraph and insert:

"(c) A legislative member of the board is a nonvoting advisory



member. All other members are voting members."

Page 4, delete lines 38 through 42.

Page 5, delete lines 1 through 12, begin a new paragraph and insert:

"(f) A board member may not receive a salary. However, a board member is entitled to receive the following:

(1) A nonlegislative member is entitled to reimbursement for any expenses necessarily incurred in the performance of the member's duties. A reimbursement shall be paid from the commission's funds.

(2) A legislative member is entitled to receive the same per diem, mileage, and travel allowances established by the legislative council and paid to members of the general assembly serving on interim study committees. The allowances shall be paid by the legislative services agency from the amounts appropriated for that purpose.

Sec. 20. (a) At the organizational meeting described in section 21(b)(1) and 21(b)(2) of this chapter, the board shall elect the following officers from the voting or nonvoting members:"

Page 5, line 16, delete "three (3)" and insert "a majority of the voting".

Page 5, delete lines 23 through 25, begin a new paragraph and insert:

"(b) The board shall meet quarterly subject to the following:

(1) Within thirty (30) days of the appointment of all the board members, at the call of the board member appointed by the county executive, the board shall hold its initial meeting for the purpose of organization to elect officers in accordance with section 20(a) of this chapter.

(2) In January 2027, and in each January thereafter, the board shall hold an organizational meeting at the call of the chair, or if the chair is unavailable, at the call of any other two (2) members of the board to elect officers in accordance with section 20(a) of this chapter.

(3) After the organization meetings described in subdivisions (1) and (2), all subsequent quarterly meetings shall be held at the call of the chair or, if the chair is unavailable, at the call of any other two (2) members of the board.

(c) In addition to the regularly scheduled quarterly meetings described in subsection (b), the board may meet up to two (2) more times annually at the call of the chair or, if the chair is unavailable, at the call of any other two (2) members of the board."

Page 5, line 27, delete "three (3)" and insert "a majority of the



voting".

Page 5, line 29, delete "should" and insert "**may**".

Page 5, between lines 30 and 31, begin a new paragraph and insert:

"(g) The commission may conduct meetings electronically as provided in IC 36-7-14.5-9.5."

(Reference is to SB 468 as printed January 24, 2025.)

NIEZGODSKI

