

IC 36-7-30

Chapter 30. Reuse of Federal Military Bases

IC 36-7-30-1

Applicability of chapter; definitions

Sec. 1. (a) This chapter applies to all units in which all or a part of a military base is located.

(b) As used in sections 18 and 24 of this chapter, "bonds" means bonds, notes, evidences of indebtedness, or other obligations issued by the reuse authority in the name of the unit.

(c) As used in this chapter, "military base" means a United States government military base or other military installation that is scheduled for closing or is completely or partially inactive or closed.

(d) As used in this chapter, "military base property" means real and personal property that is currently or was formerly part of a military base and is subject to reuse.

(e) As used in this chapter, "municipal utility" means a utility that is owned by a municipality and provides at least one (1) of the following:

- (1) Water services.
- (2) Sewer services.
- (3) Electric services.
- (4) Stormwater services.

(f) As used in this chapter, "reuse authority" means a military base reuse authority established under section 3 of this chapter.

As added by P.L.26-1995, SEC.14. Amended by P.L.228-1997, SEC.1.

IC 36-7-30-2

Preparation for reuse of military bases

Sec. 2. (a) The planning, replanning, rehabilitation, development, redevelopment, and other preparation for reuse of military bases and military base property are public and governmental functions that cannot be accomplished through the ordinary operations of private enterprise because of the following:

- (1) The provisions of federal law that provide for the expeditious and affordable transfer of military base property to an entity established by local government for these purposes.
- (2) The necessity for requiring the proper use of the land to best serve the interests of the unit and its citizens.
- (3) The costs of the projects.

(b) The planning, replanning, rehabilitation, development, redevelopment, and other preparation for reuse will do the following:

- (1) Benefit the public health, safety, morals, and welfare.
- (2) Increase the economic well-being of the unit and the state.
- (3) Serve to protect and increase property values in the unit and the state.

(c) The planning, replanning, rehabilitation, development, redevelopment, and other preparation for reuse of military bases and military base property under this chapter are public uses and purposes

for which public money may be spent and private property may be acquired.

(d) Each unit shall, to the extent feasible under this chapter and consistent with the needs of the unit as a whole, provide a maximum opportunity for reuse of federal military bases by private enterprise or state and local government.

(e) This section shall be liberally construed to carry out the purposes of this section.

As added by P.L.26-1995, SEC.14.

IC 36-7-30-3

Establishment of reuse authority; taxing districts; consolidated city

Sec. 3. (a) A unit may establish a board of five (5) members to be known as the "_____ Reuse Authority", designating the name of the military base. Once a unit has established a reuse authority for a military base, no other unit may create a reuse authority for that portion of the military base that lies within the boundaries of that unit.

(b) All of the territory within the corporate boundaries of a municipality constitutes a taxing district for the purpose of levying and collecting special benefit taxes for reuse purposes as provided in this chapter. All of the territory in a county constitutes a taxing district for a county.

(c) All of the taxable property within a taxing district is considered to be benefited by reuse projects carried out under this chapter to the extent of the special taxes levied under this chapter.

(d) A county having a consolidated city may not establish a reuse authority for a military base located in an excluded city without the approval of the legislative body of the excluded city.

As added by P.L.26-1995, SEC.14.

IC 36-7-30-4

Appointment of members to reuse authority

Sec. 4. (a) Except as provided in subsection (c), the five (5) members of a municipal military base reuse authority shall be appointed as follows:

(1) Three (3) members shall be appointed by the municipal executive.

(2) Two (2) members shall be appointed by the municipal legislative body.

(b) The five (5) members of a county military base reuse authority shall be appointed by the county executive.

(c) The five (5) members of a municipal military base reuse authority in an excluded city that is located in a county with a consolidated city shall be appointed as follows:

(1) One (1) member shall be appointed by the executive of the excluded city.

(2) One (1) member shall be appointed by the legislative body of the excluded city.

(3) One (1) member shall be appointed by the consolidated city

executive.

(4) One (1) member shall be appointed by the consolidated city legislative body.

(5) One (1) member shall be appointed by the board of county commissioners.

However, at least three (3) of the members must be residents of the excluded city.

As added by P.L.26-1995, SEC.14. Amended by P.L.42-2011, SEC.79.

IC 36-7-30-5

Term of members; oath; bond; qualifications; reimbursement for expenses

Sec. 5. (a) Except as provided in subsection (b), each member of a military base reuse authority shall serve the longer of three (3) years beginning with the first day of January after the member's appointment or until the member's successor has been appointed and qualified. If a vacancy occurs, a successor shall be appointed in the same manner as the original member, and the successor shall serve for the remainder of the vacated term.

(b) In the case of a municipal military base reuse authority in an excluded city located in a county with a consolidated city, the original members shall serve for the following terms:

(1) A member appointed by the executive of the excluded city or the consolidated city executive shall serve for the longer of three (3) years beginning with the first day of January after the member's appointment or until the member's successor is appointed and qualified.

(2) A member appointed by the legislative body of the excluded city or the consolidated city legislative body shall serve for the longer of one (1) year beginning with the first day of January after the member's appointment or until the member's successor is appointed and qualified.

(3) A member appointed by the board of county commissioners shall serve for the longer of two (2) years beginning with the first day of January after the member's appointment or until the member's successor is appointed and qualified.

(c) Each member of a reuse authority, before beginning the member's duties, shall take and subscribe an oath of office in the usual form, to be endorsed on the certificate of the member's appointment. The endorsed certificate must be promptly filed with the clerk for the unit that the member serves.

(d) Each member of a reuse authority, before beginning the member's duties, shall execute a bond payable to the state, with surety to be approved by the executive of the unit. The bond must be in the penal sum of fifteen thousand dollars (\$15,000) and must be conditioned on the faithful performance of the duties of the member's office and the accounting for all money and property that may come into the member's hands or under the member's control. The cost of the bond shall be paid by the special taxing district.

(e) A member of a reuse authority must be at least eighteen (18) years of age and, except as provided in section 4(c) of this chapter, must be a resident of the unit responsible for the member's appointment.

(f) If a member ceases to be qualified under this section, the member forfeits the member's office.

(g) Members of a reuse authority are not entitled to salaries but are entitled to reimbursement for expenses necessarily incurred in the performance of their duties.

As added by P.L.26-1995, SEC.14.

IC 36-7-30-6

Meetings; secretary-treasurer; rules; quorum

Sec. 6. (a) The reuse authority members shall hold a meeting for the purpose of organization not later than thirty (30) days after they are appointed and, after that, each year on the first day in January that is not a Saturday, Sunday, or legal holiday. They shall choose one (1) of their members as president, another as vice president, and another as secretary-treasurer. These officers shall perform the duties usually concerning their offices and shall serve from the date of their election until their successors are elected and qualified.

(b) Except as otherwise provided in this chapter, the secretary-treasurer shall be responsible for the funds and accounts of the reuse authority. The reuse authority may employ personnel for compensation to assist the secretary-treasurer or may designate or appoint a fiscal officer of the unit or of another unit responsible for appointing one (1) or more reuse authority members to perform the duties that are delegated by the reuse authority and accepted by the fiscal officer.

(c) The members of a reuse authority may adopt rules and bylaws the members consider necessary for the proper conduct of proceedings, carrying out of the members' duties, and safeguarding the money and property placed in the members' custody by this chapter. In addition to the annual meeting, the members may by resolution or in accordance with the rules and bylaws prescribe the date and manner of notice of other regular or special meetings.

(d) Three (3) members of the reuse authority constitute a quorum, and the concurrence of three (3) members is necessary to authorize an action.

As added by P.L.26-1995, SEC.14.

IC 36-7-30-7

Removal from office

Sec. 7. A member of a military base reuse authority may be summarily removed from office at any time by the government body or officer that appointed the member.

As added by P.L.26-1995, SEC.14.

IC 36-7-30-8

Duties of reuse authority

Sec. 8. The military base reuse authority shall do the following:

- (1) Investigate, study, and survey the area surrounding and the real property and structures that are part of a military base within the corporate boundaries of the unit.
- (2) Investigate, study, and determine the means by which military base property may be reused by private enterprise to promote economic development within the unit or by state and local government to otherwise benefit the welfare of the citizens of the unit.
- (3) Promote the reuse of military base property in the manner that best serves the interests of the unit and its inhabitants.
- (4) Cooperate with the departments and agencies of the unit and of other governmental entities, including the state and the federal government, in the manner that best serves the purposes of this chapter.
- (5) Make findings and reports on their activities under this section, and keep the reports available for inspection by the public.
- (6) Select and acquire military base property to be reused by private enterprise or state or local government under this chapter.
- (7) Transfer acquired military base property and other real and personal property to private enterprise or state or local government in the manner that best serves the social and economic interests of the unit and the unit's inhabitants.

As added by P.L.26-1995, SEC.14.

IC 36-7-30-9

Powers of reuse authority

Sec. 9. (a) The military base reuse authority may do the following:

- (1) Acquire by purchase, exchange, gift, grant, condemnation, or lease, or any combination of methods, any personal military base property or interest in real military base property or other real or personal property located within the corporate boundaries of the unit.
- (2) Hold, use, sell (by conveyance by deed, land sale contract, or other instrument), exchange, lease, rent, or otherwise dispose of real or personal military base property or other real and personal property to private enterprise or state or local government, on the terms and conditions that the reuse authority considers best for the unit and its inhabitants.
- (3) Sell, lease, or grant interests in all or part of the real property acquired from a military base to any other department of the unit or to any other governmental agency for public ways, levees, sewerage, parks, playgrounds, schools, and other public purposes on any terms that may be agreed on.
- (4) Clear real property acquired for the purposes of this chapter.
- (5) Repair and maintain structures acquired for the purposes of this chapter.
- (6) Remodel, rebuild, enlarge, or make major structural

improvements on structures acquired from a military base.

(7) Survey or examine any land to determine whether it should be acquired for the purpose of this chapter and to determine the value of the land.

(8) Appear before any other department or agency of the unit or any other governmental agency in respect to any matter affecting:

(A) real property acquired or being acquired for the purposes of this chapter; or

(B) any reuse area within the jurisdiction of the reuse authority.

(9) Institute or defend in the name of the unit any civil action.

(10) Use any legal or equitable remedy that is necessary or considered proper to protect and enforce the rights of and perform the duties of the reuse authority.

(11) Exercise the power of eminent domain in the name of and within the corporate boundaries of the unit in the manner prescribed by section 16 of this chapter.

(12) Appoint an executive director, appraisers, real estate experts, engineers, architects, surveyors, attorneys, accountants, and other consultants that are necessary or desired by the authority in exercising its powers or carrying out its responsibilities under this chapter.

(13) Appoint clerks, guards, laborers, and other employees the reuse authority considers advisable. However, the appointments must be made in accordance with the merit system of the unit if the unit has a merit system.

(14) Prescribe the duties and regulate the compensation of employees of the military base reuse authority.

(15) Provide a pension and retirement system for employees of the military base reuse authority, or use the public employees' retirement fund or a retirement plan approved by the United States Department of Housing and Urban Development.

(16) Discharge and appoint successors to employees of the military base reuse authority subject to subdivision (13).

(17) Rent offices for use of the reuse authority or accept the use of offices furnished by the unit.

(18) Equip the offices of the reuse authority with the necessary furniture, furnishings, equipment, records, and supplies.

(19) Expend on behalf of the special taxing district all or any part of the money of the special taxing district.

(20) Design, order, contract for, and construct, reconstruct, improve, or renovate the following:

(A) Local public improvements or structures that are necessary for the reuse of military base property within the corporate boundaries of the unit.

(B) Any structure that enhances the development, economic development, or reuse of military base property.

(21) Accept loans, grants, and other forms of financial assistance from the federal government, the state government,

a municipal corporation, a special taxing district, a foundation, or any other source.

(22) Provide financial assistance, in the manner that best serves the purposes of this chapter, including grants and loans, to enable private enterprise to develop, redevelop, and reuse military base property or otherwise enable private enterprise to provide social and economic benefits to the citizens of the unit.

(23) Enter into contracts for providing police, fire protection, and utility services to the military base reuse area.

(24) Make and enter into all contracts and agreements necessary or incidental to the performance of the duties of the reuse authority and the execution of the power of the reuse authority under this chapter.

(25) This subdivision does not apply to a reuse authority in a county for which the total amount of net property taxes allocated to all allocation areas or other tax increment financing areas established by a redevelopment commission, military base reuse authority, military base development authority, or another similar entity in the county in the preceding calendar year exceeded nineteen percent (19%) of the total net property taxes billed in the county in the preceding calendar year. Subject to prior approval by the fiscal body of the unit that established the reuse authority, expend money and provide financial assistance (including grants and loans):

(A) in direct support of:

(i) an active military base located within the unit; or

(ii) an entity located in the territory or facilities of a military base or former military base within the unit that is scheduled for closing or is completely or partially inactive or closed, or an entity that is located in any territory or facilities of the United States Department of Defense within the unit that are scheduled for closing or are completely or partially inactive or closed;

including direct support for the promotion of the active military base or entity, the growth of the active military base or entity, and activities at the active military base or entity; and

(B) in support of any other entity that provides services or direct support to an active military base or entity described in clause (A).

The fiscal body of the unit that established the reuse authority must separately approve each grant, loan, or other expenditure for financial assistance under this subdivision. The terms of any loan that is made under this subdivision may be changed only if the change is approved by the fiscal body of the unit that established the reuse authority. As used in this subdivision, "active military base" has the meaning set forth in IC 36-1-4-20.

(26) Take any action necessary to implement the purposes of the reuse authority.

(b) All powers that may be exercised under this chapter by the

reuse authority may also be exercised by the reuse authority in carrying out its duties and purposes under IC 36-7-14.5 or IC 36-7-15.3.

As added by P.L.26-1995, SEC.14. Amended by P.L.95-2014, SEC.6.

IC 36-7-30-10

Plan and declaration of reuse area

Sec. 10. (a) The reuse authority shall adopt a plan for the rehabilitation, development, redevelopment, and reuse of military base property to be acquired from the federal government upon the closure of a military base within the boundaries of the unit.

(b) In conjunction with the military base reuse plan, the reuse authority may adopt a resolution declaring that a geographic area is a military base reuse area and approving the plan if it makes the following findings:

- (1) All or part of a military base is located in the military base reuse area.
- (2) The plan for the military base reuse area will accomplish the public purposes of this chapter, supported by specific findings of fact to be adopted by the reuse authority.
- (3) The public health and welfare will be benefited by accomplishment of the plan for the military base reuse area.
- (4) The plan for the military base reuse area conforms to other development and redevelopment plans for the unit.

(c) A military base reuse area may include territory within the corporate boundaries of the unit and in the vicinity of the military base that is not on military base property. However, a military base reuse area may not include any area of land that constitutes part of an economic development area, a redevelopment project area, or an urban renewal area under IC 36-7-14 or IC 36-7-15.1.

(d) The resolution must state the general boundaries of the area, and that the reuse authority proposes to acquire all of the interests in the land within the boundaries, with certain designated exceptions, if there are any.

(e) For the purpose of adopting a resolution under subsection (b), it is sufficient to describe the boundaries of the area by its location in relation to public ways or streams, or otherwise, as determined by the reuse authority. Property excepted from the acquisition may be described by street numbers or location.

As added by P.L.26-1995, SEC.14. Amended by P.L.185-2005, SEC.52.

IC 36-7-30-11

Adoption of resolution

Sec. 11. (a) After adoption of a resolution under section 10 of this chapter, the reuse authority shall submit the resolution and supporting data to the plan commission of the unit or other body charged with the duty of developing a general plan for the unit, if there is such a body. The plan commission may determine whether the resolution and the reuse plan conform to the plan of development for the unit

and approve or disapprove the resolution and plan proposed. The reuse authority may amend or modify the resolution and proposed plan to conform to the requirements of the plan commission. The plan commission shall issue a written order approving or disapproving the resolution and military base reuse plan, and may with the consent of the reuse authority rescind or modify the order.

(b) The determination that a geographic area is a military base reuse area must be approved by the unit's legislative body.

(c) If a military base is located in an excluded city that is located in a county having a consolidated city, the determination that a geographic area is a military base reuse area must be approved by the excluded city legislative body and the consolidated city legislative body.

As added by P.L.26-1995, SEC.14.

IC 36-7-30-12

Notice and hearing on adoption of resolution

Sec. 12. (a) After receipt of all orders and approvals required under section 11 of this chapter, the reuse authority shall publish notice of the adoption and the substance of the resolution in accordance with IC 5-3-1. The notice must name a date when the reuse authority will receive and hear remonstrances and objections from persons interested in or affected by the proceedings concerning the proposed project and will determine the public utility and benefit of the proposed project. All persons affected in any manner by the hearing, including all taxpayers of the special taxing district, shall be considered notified of the pendency of the hearing and of subsequent acts, hearings, adjournments, and orders of the reuse authority by the notice given under this section.

(b) At the hearing, which may be adjourned from time to time, the reuse authority shall hear all persons interested in the proceedings and shall consider all written remonstrances and objections that have been filed. After considering the evidence presented, the reuse authority shall take final action determining the public utility and benefit of the proposed project, and confirming, modifying and confirming, or rescinding the resolution. The final action taken by the reuse authority is final and conclusive, except that an appeal may be taken in the manner prescribed by section 14 of this chapter.

As added by P.L.26-1995, SEC.14.

IC 36-7-30-13

Amendments to resolution or plan

Sec. 13. (a) The reuse authority must conduct a public hearing before amending a resolution or plan for a military base reuse area. The reuse authority shall give notice of the hearing in accordance with IC 5-3-1. The notice must do the following:

- (1) Set forth the substance of the proposed amendment.
- (2) State the time and place where written remonstrances against the proposed amendment may be filed.
- (3) Set forth the time and place of the hearing.

(4) State that the reuse authority will hear any person who has filed a written remonstrance during the filing period set forth in subdivision (2).

(b) For the purposes of this section, the consolidation of areas is not considered the enlargement of the boundaries of an area.

(c) If the reuse authority proposes to amend a resolution or plan, the military base reuse authority is not required to have evidence or make findings that were required for the establishment of the original military base reuse area. However, the reuse authority must make the following findings before approving the amendment:

(1) The amendment is reasonable and appropriate when considered in relation to the original resolution or plan and the purposes of this chapter.

(2) The resolution or plan, with the proposed amendment, conforms to the comprehensive plan for the unit.

(d) Notwithstanding subsections (a) and (c), if the resolution or plan is proposed to be amended in a way that enlarges the original boundaries of the area by more than twenty percent (20%), the reuse authority must use the procedure provided for the original establishment of areas and must comply with sections 10 through 12 of this chapter.

(e) At the hearing on the amendments, the reuse authority shall consider written remonstrances that are filed. The action of the reuse authority on the amendment is final and conclusive, except that an appeal of the reuse authority's action may be taken under section 14 of this chapter.

As added by P.L.26-1995, SEC.14.

IC 36-7-30-14

Appeal from final action of reuse authority

Sec. 14. (a) A person who filed a written remonstrance with the reuse authority under section 12 or 13 of this chapter and is aggrieved by the final action taken may not more than ten (10) days after that final action file in the office of the clerk of the circuit or superior court a copy of the order of the reuse authority and person's remonstrances against that order, together with the person's bond conditioned to pay the costs of the person's appeal if the appeal is determined against the person. The only ground of remonstrance that the court may hear is whether the proposed project will be of public utility and benefit. The burden of proof is on the remonstrator.

(b) An appeal under this section shall be promptly heard by the court without a jury. All remonstrances upon which an appeal has been taken shall be consolidated and heard and determined not more than thirty (30) days after the time of the filing of the appeal. The court shall hear evidence on the remonstrances and may confirm the final action of the reuse authority or sustain the remonstrances. The judgment of the court is final and conclusive, unless an appeal is taken as in other civil actions.

As added by P.L.26-1995, SEC.14.

IC 36-7-30-15

Purchase of property

Sec. 15. (a) If no appeal is taken or if an appeal is taken but is unsuccessful, the reuse authority shall proceed with the plan to the extent that money is available for that purpose.

(b) Negotiations for the purchase of property may be carried on directly by the reuse authority, by its employees, or by expert negotiators, but no option, contract, or understanding relative to the purchase of real property is binding on the reuse authority until approved and accepted by the reuse authority in writing. Payment for the property purchased shall be made when and as directed by the reuse authority but only on delivery of proper instruments conveying the title or interest of the owner to the reuse authority or its designee.

(c) The acquisition of real and personal property by the reuse authority under this chapter is not subject to the provisions of IC 5-22, IC 36-1-10.5, or any other statutes governing the purchase of property by public bodies or their agencies.

As added by P.L.26-1995, SEC.14. Amended by P.L.49-1997, SEC.80.

IC 36-7-30-16

Acquisition of property by eminent domain

Sec. 16. (a) If the reuse authority considers it necessary to acquire real property in or serving a reuse area by the exercise of the power of eminent domain, it shall adopt a resolution setting out its determination to exercise that power and directing its attorney to file a petition in the name of the unit on behalf of the reuse authority, in the circuit or superior court of the county in which the property is situated. The resolution must contain a finding by the reuse authority that the property to be acquired is in an area needing redevelopment (as defined in IC 36-7-1-3). The resolution must be approved by the legislative body of the unit before the petition is filed.

(b) Eminent domain proceedings under this section are governed by IC 32-24 and other applicable statutory provisions for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired under this section, but property belonging to the state or a political subdivision may not be acquired without the consent of the state or the political subdivision.

(c) The court having jurisdiction shall direct the clerk of the circuit court to execute a deed conveying the title of real property acquired under this section to the unit for the use and benefit of the reuse authority.

As added by P.L.26-1995, SEC.14. Amended by P.L.2-2002, SEC.118; P.L.185-2005, SEC.53.

IC 36-7-30-17

Clearing, maintenance, and replanning of area

Sec. 17. (a) The reuse authority may proceed with the clearing and replanning of the area described in the resolution before the acquisition of all of the area. The reuse authority may also proceed

with the repair and maintenance of buildings that have been acquired and are not to be cleared. This clearance, repair, and maintenance may be carried out by labor employed directly by the reuse authority or by contract. Contracts for clearance may provide that the contractor is entitled to retain and dispose of salvaged material, as a part of the contract price or on the basis of stated prices for the amounts of the various materials actually salvaged.

(b) All contracts for material or labor under this section shall be let under IC 36-1.

(c) To the extent the reuse authority undertakes to engage in the planning and rezoning of the real property acquired, the opening, closing, relocation, and improvement of public ways, and the construction, relocation, and improvement of levees, sewers, parking facilities, and utility services, the reuse authority shall proceed in the same manner as private owners of the property. The reuse authority may negotiate with the proper officers and agencies of the unit to secure the proper orders, approvals, and consents.

(d) Construction work required in connection with improvements in the area described in the resolution may be carried out by the following:

- (1) The appropriate municipal or county department or agency.
- (2) The reuse authority, if:
 - (A) all plans, specifications, and drawings are approved by the appropriate department or agency; and
 - (B) the statutory procedures for the letting of contracts by the appropriate department or agency are followed by the reuse authority.

(e) The reuse authority may pay any charges or assessments made on account of orders, approvals, consents, and construction work under this section, or may agree to pay the assessments in installments as provided by statute in the case of private owners. The reuse authority may do the following:

- (1) By special waiver filed with the municipal works board or county executive, waive the statutory procedure and notices required by law in order to create valid liens on private property.
- (2) Cause any assessments to be spread on a different basis than that provided by statute.

(f) The real property acquired under this chapter may not be set aside and dedicated for public ways, parking facilities, sewers, levees, parks, or other public purposes until the reuse authority has obtained the consent and approval of the department or agency under whose jurisdiction the property will be placed.

(g) The reuse authority may negotiate for the sale, lease, or other disposition of real and personal property without complying with the provisions of IC 36-1-11 or any other statute governing the disposition of public property. A conveyance under this section may not be made until the agreed consideration has been paid, unless the reuse authority passes a resolution expressly providing that the consideration does not have to be paid before the conveyance is made. The resolution may provide for a mortgage or other security.

All deeds, leases, land sale contracts, or other conveyances shall be executed in the name of the reuse authority and shall be signed by the president or vice president of the reuse authority and attested by the secretary-treasurer. A seal is not required on these instruments or any other instruments executed in the name of the reuse authority. Proceeds from the sale, lease, or other disposition of property may be deposited in any fund and used for any purpose permitted under this chapter, as directed by the reuse authority.

As added by P.L.26-1995, SEC.14.

IC 36-7-30-18

Issuance of bonds

Sec. 18. (a) In addition to other methods of raising money for property acquisition, redevelopment, or economic development activities in or directly serving or benefiting a military base reuse area, and in anticipation of the taxes allocated under section 25 of this chapter, other revenues of the district, or any combination of these sources, the reuse authority may by resolution issue the bonds of the special taxing district in the name of the unit.

(b) The reuse authority shall certify a copy of the resolution authorizing the bonds to the municipal or county fiscal officer, who shall then prepare the bonds. The seal of the unit must be impressed on the bonds or a facsimile of the seal must be printed on the bonds.

(c) The bonds must be executed by the appropriate officer of the unit, and attested by the unit's fiscal officer.

(d) The bonds are exempt from taxation for all purposes.

(e) Bonds issued under this section may be sold at public sale in accordance with IC 5-1-11 or at a negotiated sale.

(f) The bonds are not a corporate obligation of the unit but are an indebtedness of the taxing district. The bonds and interest are payable, as set forth in the bond resolution of the reuse authority, from any of the following:

- (1) The tax proceeds allocated under section 25 of this chapter.
- (2) Other revenues available to the reuse authority.
- (3) A combination of the methods stated in subdivisions (1) through (2).

If the bonds are payable solely from the tax proceeds allocated under section 25 of this chapter, other revenues of the reuse authority, or any combination of these sources, the bonds may be issued in any amount without limitation.

(g) Proceeds from the sale of bonds may be used to pay the cost of interest on the bonds for a period not to exceed five (5) years after the date of issuance.

(h) All laws relating to the filing of petitions requesting the issuance of bonds and the right of taxpayers and voters to remonstrate against the issuance of bonds do not apply to bonds issued under this chapter.

(i) If a debt service reserve is created from the proceeds of bonds, the debt service reserve may be used to pay principal and interest on the bonds as provided in the bond resolution.

(j) If bonds are issued under this chapter that are payable solely or in part from revenues of the reuse authority, the reuse authority may adopt a resolution or trust indenture or enter into covenants as is customary in the issuance of revenue bonds. The resolution or trust indenture may pledge or assign revenues of the reuse authority and properties becoming available to the reuse authority under this chapter. The resolution or trust indenture may also contain provisions for protecting and enforcing the rights and remedies of the bond owners as may be reasonable and proper and not in violation of law, including a covenant setting forth the duties of the reuse authority. The reuse authority may establish fees and charges for the use of any project and covenant with the owners of any bonds to set the fees and charges at a rate sufficient to protect the interest of the owners of the bonds. Revenue bonds issued by the reuse authority that are payable solely from revenues of the reuse authority shall contain a statement to that effect in the form of the bond.

As added by P.L.26-1995, SEC.14. Amended by P.L.228-1997, SEC.2; P.L.219-2007, SEC.134.

IC 36-7-30-19

Lease of property

Sec. 19. (a) A reuse authority may enter into a lease of any property that could be financed with the proceeds of bonds issued under this chapter with a lessor for a term not to exceed fifty (50) years and the lease may provide for payments to be made by the reuse authority from taxes allocated under section 25 of this chapter, any other revenues available to the reuse authority, or any combination of these sources.

(b) A lease may provide that payments by the reuse authority to the lessor are required only to the extent and only for the period that the lessor is able to provide the leased facilities in accordance with the lease. The terms of each lease must be based upon the value of the facilities leased and may not create a debt of the unit or the district for purposes of the Constitution of the State of Indiana.

(c) A lease may be entered into by the reuse authority only after a public hearing by the reuse authority at which all interested parties are provided the opportunity to be heard. After the public hearing, the reuse authority may adopt a resolution authorizing the execution of the lease on behalf of the unit if the reuse authority finds that the service to be provided throughout the term of the lease will serve the public purpose of the unit and is in the best interests of its residents. Any lease approved by a resolution of the reuse authority must be approved by the fiscal body of the unit.

(d) A reuse authority entering into a lease payable from allocated taxes under section 25 of this chapter or other available funds of the reuse authority may do the following:

- (1) Pledge the revenue to make payments under the lease under IC 5-1-14-4.
- (2) Establish a special fund to make the payments.
- (e) Lease payments may be limited to money in the special fund

so that the obligations of the reuse authority to make the lease rental payments are not considered a debt of the unit or the district for purposes of the Constitution of the State of Indiana.

(f) Except as provided in this section, approvals of any governmental body or agency are not required before the reuse authority may enter into a lease under this section.

(g) If a reuse authority exercises an option to buy a leased facility from a lessor, the reuse authority may subsequently sell the leased facility, without regard to any other statute, to the lessor at the end of the lease term at a price set forth in the lease or at fair market value established at the time of the sale by the reuse authority through auction, appraisal, or negotiation. If the facility is sold at auction, after appraisal or through negotiation, the reuse authority shall conduct a hearing after public notice in accordance with IC 5-3-1 before the sale. Any action to contest the sale must be brought not more than fifteen (15) days after the hearing.

(h) Notwithstanding this section, a reuse authority may negotiate and enter into leases of property from the United States or any department or agency of the United States without complying with the requirements of this section.

As added by P.L.26-1995, SEC.14.

IC 36-7-30-20

Lessor of property

Sec. 20. (a) Any of the following persons may lease facilities referred to in section 19 of this chapter to a military base reuse authority under this chapter:

- (1) A for-profit or nonprofit corporation organized under Indiana law or admitted to do business in Indiana.
- (2) A partnership, an association, a limited liability company, or a firm.
- (3) An individual.
- (4) With respect to all reuse authorities located in a county that does not have a consolidated city, a redevelopment authority established under IC 36-7-14.5.
- (5) With respect to all reuse authorities located in a county with a consolidated city, an authority established under IC 36-7-15.3.

(b) Notwithstanding any other law, a lessor under this section and section 19 of this chapter is a qualified entity for purposes of IC 5-1.4.

(c) Notwithstanding any other law, a military base reuse facility leased by the reuse authority under this chapter from a lessor borrowing bond proceeds from a unit under IC 36-7-12 is an economic development facility for purposes of IC 36-7-11.9-3 and IC 36-7-12.

(d) Notwithstanding IC 36-7-12-25 and IC 36-7-12-26, payments by a reuse authority to a lessor described in subsection (c) may be made from sources set forth in section 19 of this chapter if the payments and the lease are structured to prevent the lease obligation from constituting a debt of the unit or the district for purposes of the

Constitution of the State of Indiana.
As added by P.L.26-1995, SEC.14.

IC 36-7-30-21

Covenant and pledge of revenues

Sec. 21. (a) Notwithstanding any other law, the legislative body may pledge revenues received or to be received by the unit from:

- (1) the unit's distributive share of the county option income tax under IC 6-3.5-6;
- (2) the unit's distributive share of the county economic development income tax under IC 6-3.5-7;
- (3) any other source legally available to the unit for the purposes of this chapter; or
- (4) any combination of revenues under subdivisions (1) through (3);

in any amount to pay amounts payable under section 18 or 19 of this chapter.

(b) The legislative body may covenant to adopt an ordinance to increase its tax rate under the county option income tax, county economic development income tax, or any other revenues at the time it is necessary to raise funds to pay any amounts payable under section 18 or 19 of this chapter.

(c) The reuse authority may pledge revenues received or to be received from any source legally available to the reuse authority for the purposes of this chapter in any amount to pay amounts payable under section 18 or 19 of this chapter.

(d) The pledge or covenant under this section may be for the term of the bonds issued under section 18 of this chapter, the term of a lease entered into under section 19 of this chapter, or for a shorter period as determined by the legislative body. Money pledged by the legislative body under this section shall be considered revenues or other money available to the reuse authority under sections 18 through 19 of this chapter.

(e) The general assembly covenants not to impair this pledge or covenant as long as any bonds issued under section 18 of this chapter are outstanding or as long as any lease entered into under section 19 of this chapter is still in effect. The pledge or covenant shall be enforced as provided in IC 5-1-14-4.

As added by P.L.26-1995, SEC.14.

IC 36-7-30-22

Deposits to military base reuse district capital fund and general fund

Sec. 22. (a) All proceeds from the sale of bonds under section 18 of this chapter shall be kept as a separate and specific fund to pay the expenses incurred in connection with the property acquisition, redevelopment, and economic development of the military base reuse area. The fund shall be known as the military base reuse district capital fund.

(b) All gifts or donations that are given or paid to the reuse

authority or to the unit for military base reuse purposes shall be promptly deposited to the credit of the military base reuse district general fund unless otherwise directed by the grantor. The reuse authority may use these gifts and donations for the purposes of this chapter.

As added by P.L.26-1995, SEC.14.

IC 36-7-30-23

Payments from funds

Sec. 23. (a) All payments from any of the funds established by this chapter shall be made by warrants drawn by the secretary-treasurer or the secretary-treasurer's agent under section 6 of this chapter on vouchers of the reuse authority signed by the president or vice president and the secretary-treasurer or executive director. An appropriation is not necessary, but all money raised under this chapter is considered appropriated to the respective purposes stated and is under the control of the reuse authority. The reuse authority has complete and exclusive authority to expend the money for the purposes provided.

(b) Each fund established by this chapter is a continuing fund and does not revert to the general fund of the unit at the end of the calendar year.

As added by P.L.26-1995, SEC.14.

IC 36-7-30-24

Activities financed by bonds, notes, or warrants

Sec. 24. (a) In order to finance activities authorized under this chapter, the reuse authority may apply for and accept advances, short term and long term loans, grants, contributions, and any other form of financial assistance from the federal government, or from any of its agencies. The reuse authority may also enter into and carry out contracts and agreements in connection with that financial assistance upon the terms and conditions that the reuse authority considers reasonable and appropriate, if those terms and conditions are not inconsistent with the purposes of this chapter. The provisions of such a contract or an agreement in regard to the handling, deposit, and application of project funds, as well as all other provisions, are valid and binding on the unit or its executive departments and officers, as well as the reuse authority, notwithstanding any other provision of this chapter.

(b) The reuse authority may issue and sell bonds, notes, or warrants to the federal government to evidence short term or long term loans made under this section, without notice of sale being given or a public offering being made.

(c) Notwithstanding the provisions of this chapter or any other law, the bonds, notes, or warrants issued by the reuse authority under this section may:

- (1) be in the amounts, form, or denomination;
- (2) be either coupon or registered;
- (3) carry conversion or other privileges;

- (4) have a rank or priority;
- (5) be of such description;
- (6) be secured, subject to other provisions of this section, in such manner;
- (7) bear interest at a rate or rates;
- (8) be payable as to both principal and interest in a medium of payment, at time or times, which may be upon demand, and at a place or places;
- (9) be subject to terms of redemption, with or without premium;
- (10) contain or be subject to any covenants, conditions, and provisions; and
- (11) have any other characteristics;

that the reuse authority considers reasonable and appropriate.

(d) Bonds, notes, or warrants issued under this section are not an indebtedness of the unit or taxing district within the meaning of any constitutional or statutory limitation of indebtedness. The bonds, notes, or warrants are not payable from or secured by a levy of taxes, but are payable only from and secured only by any combination of:

- (1) income funds;
- (2) properties of the project becoming available to the reuse authority under this chapter; or
- (3) any other legally available revenues of the reuse authority;

as the reuse authority specifies in the resolution authorizing their issuance.

(e) Bonds, notes, or warrants issued under this section are exempt from taxation for all purposes.

(f) Bonds, notes, or warrants issued under this section must be executed by the appropriate officers of the unit and must be attested by the appropriate officers of the unit.

(g) Following the adoption of the resolution authorizing the issuance of bonds, notes, or warrants under this section, the reuse authority shall certify a copy of that resolution to the officers of the unit who have duties with respect to bonds, notes, or warrants of the unit. At the proper time, the reuse authority shall deliver to the officers the unexecuted bonds, notes, or warrants prepared for execution in accordance with the resolution.

(h) All bonds, notes, or warrants issued under this section shall be sold by the officers of the unit who have duties with respect to the sale of bonds, notes, or warrants of the unit. If an officer whose signature appears on any bonds, notes, or warrants issued under this section leaves office before their delivery, the signature remains valid and sufficient for all purposes as if the officer had remained in office until the delivery.

(i) If at any time during the life of a loan contract or agreement under this section the reuse authority can obtain loans for the purposes of this section from sources other than the federal government at interest rates not less favorable than provided in the loan contract or agreement, and if the loan contract or agreement so permits, the reuse authority may do so and may pledge the loan contract and any rights under the contract as security for the

repayment of the loans obtained from other sources. A loan under this subsection may be evidenced by bonds, notes, or warrants issued and secured in the same manner as provided in this section for loans from the federal government. The bonds, notes, or warrants may be sold at either public or private sale, as the reuse authority considers appropriate.

(j) Money obtained from the federal government or from other sources under this section, and money that is required by a contract or an agreement under this section to be used for project expenditure purposes, repayment of survey and planning advances, or repayment of temporary or definitive loans may be expended by the reuse authority without regard to any law concerning the making and approval of budgets, appropriations, and expenditures.

(k) Bonds, notes, or warrants issued under this section are declared to be issued for an essential public and governmental purpose.

As added by P.L.26-1995, SEC.14. Amended by P.L.228-1997, SEC.3.

IC 36-7-30-25

Allocation areas; allocation and distribution of property taxes

Sec. 25. (a) The following definitions apply throughout this section:

(1) "Allocation area" means that part of a military base reuse area to which an allocation provision of a declaratory resolution adopted under section 10 of this chapter refers for purposes of distribution and allocation of property taxes.

(2) "Base assessed value" means:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the adoption date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A) or (C), the net assessed value of any and all parcels or classes of parcels identified as part of the base assessed value in the declaratory resolution or an amendment thereto, as finally determined for any subsequent assessment date; plus

(C) to the extent that it is not included in clause (A) or (B), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

Clause (C) applies only to allocation areas established in a military reuse area after June 30, 1997, and to the part of an allocation area that was established before June 30, 1997, and that is added to an existing allocation area after June 30, 1997.

(3) "Property taxes" means taxes imposed under IC 6-1.1 on real property.

(b) A declaratory resolution adopted under section 10 of this chapter before the date set forth in IC 36-7-14-39(b) pertaining to

declaratory resolutions adopted under IC 36-7-14-15 may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution in accordance with the procedures set forth in section 13 of this chapter. The allocation provision may apply to all or part of the military base reuse area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution are made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the military base reuse district and, when collected, paid into an allocation fund for that allocation area that may be used by the military base reuse district and only to do one (1) or more of the following:

(A) Pay the principal of and interest and redemption premium on any obligations incurred by the military base reuse district or any other entity for the purpose of financing or refinancing military base reuse activities in or directly serving or benefiting that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area or from other revenues of the reuse authority, including lease rental revenues.

(C) Make payments on leases payable solely or in part from allocated tax proceeds in that allocation area.

(D) Reimburse any other governmental body for expenditures made for local public improvements (or structures) in or directly serving or benefiting that allocation area.

(E) Pay expenses incurred by the reuse authority, any other department of the unit, or a department of another

governmental entity for local public improvements or structures that are in the allocation area or directly serving or benefiting the allocation area, including expenses for the operation and maintenance of these local public improvements or structures if the reuse authority determines those operation and maintenance expenses are necessary or desirable to carry out the purposes of this chapter.

(F) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

- (i) in the allocation area; and
- (ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made not more than three (3) years after the date on which the investments that are the basis for the increment financing are made.

(G) Expend money and provide financial assistance as authorized in section 9(a)(25) of this chapter.

Except as provided in clause (E), the allocation fund may not be used for operating expenses of the reuse authority.

(4) Except as provided in subsection (g), before July 15 of each year the reuse authority shall do the following:

(A) Determine the amount, if any, by which property taxes payable to the allocation fund in the following year will exceed the amount of property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3) plus the amount necessary for other purposes described in subdivision (3).

(B) Provide a written notice to the county auditor, the fiscal body of the unit that established the reuse authority, and the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:

- (i) state the amount, if any, of excess property taxes that the reuse authority has determined may be paid to the respective taxing units in the manner prescribed in subdivision (1); or
- (ii) state that the reuse authority has determined that there are no excess property tax proceeds that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess property tax proceeds determined by the reuse authority. The reuse authority may

not authorize a payment to the respective taxing units under this subdivision if to do so would endanger the interest of the holders of bonds described in subdivision (3) or lessors under section 19 of this chapter.

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by a taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

- (1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (2) the base assessed value.

(d) Property tax proceeds allocable to the military base reuse district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the military base reuse district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the reuse authority, reassess the taxable property situated upon or in or added to the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and the making of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

- (1) the assessed value of the property as valued without regard to this section; or
- (2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. The amount sufficient for purposes specified in subsection (b)(3) for the year shall be determined based on the pro rata part of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A unit that does not have obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) that are derived from property in the enterprise zone in the fund. The unit that creates the special zone

fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or other purposes specified in subsection (b)(3), except that where reference is made in subsection (b)(3) to allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. The programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) After each general reassessment of real property in an area under IC 6-1.1-4-4 or reassessment under the county's reassessment plan under IC 6-1.1-4-4.2, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the reassessment of the real property in the area on the property tax proceeds allocated to the military base reuse district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the military base reuse district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds allocable to the military base reuse district under subsection (b)(3) than would otherwise have been received if the general reassessment, reassessment under the county's reassessment plan, or annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

As added by P.L.26-1995, SEC.14. Amended by P.L.255-1997(ss), SEC.18; P.L.90-2002, SEC.486; P.L.192-2002(ss), SEC.185; P.L.4-2005, SEC.141; P.L.154-2006, SEC.79; P.L.146-2008, SEC.770; P.L.104-2010, SEC.2; P.L.203-2011, SEC.19; P.L.112-2012, SEC.59; P.L.95-2014, SEC.7.

IC 36-7-30-26

Resolution to modify definition of property taxes

Sec. 26. (a) As used in this section, "depreciable personal property" refers to:

- (1) all or any part of the designated taxpayer's depreciable personal property that is located in the allocation area; and
- (2) all or any part of the other depreciable property located and taxable on the designated taxpayer's site of operations within the allocation area;

and that is designated as depreciable personal property for purposes of this section by the reuse authority in a declaratory resolution adopted or amended under section 10 or 13 of this chapter.

(b) As used in this section, "designated taxpayer" means a taxpayer designated by the reuse authority in a declaratory resolution

adopted or amended under section 10 or 13 of this chapter, and with respect to which the reuse authority finds that taxes to be derived from the depreciable personal property in the allocation area, in excess of the taxes attributable to the base assessed value of the personal property, are needed to pay debt service or provide security for bonds issued or to be issued under section 18 of this chapter or make payments or provide security on leases payable or to be payable under section 19 of this chapter in order to provide local public improvements or structures for a particular allocation area.

(c) The allocation provision of a declaratory resolution may modify the definition of "property taxes" under section 25(a) of this chapter to include taxes imposed under IC 6-1.1 on the depreciable personal property located and taxable on the site of operations of the designated taxpayers in accordance with the procedures and limitations set forth in this section and section 25 of this chapter. If such a modification is included in the resolution, for purposes of section 25 of this chapter, the term "base assessed value" with respect to the depreciable personal property means the net assessed value of all the depreciable personal property as finally determined for the assessment date immediately preceding the adoption date of the modification, as adjusted under section 25(b) of this chapter.

As added by P.L.26-1995, SEC.14.

IC 36-7-30-27

Repealed

(Repealed by P.L.146-2008, SEC.813.)

IC 36-7-30-28

Violations

Sec. 28. A person who knowingly:

- (1) applies any money raised under this chapter to any purpose other than those permitted by this chapter; or
- (2) fails to follow the voucher and warrant procedure prescribed by this chapter in expending any money raised under this chapter;

commits a Level 5 felony.

As added by P.L.26-1995, SEC.14. Amended by P.L.158-2013, SEC.677.

IC 36-7-30-29

Joint projects

Sec. 29. Notwithstanding any other law, two (2) or more units may jointly undertake military base reuse projects in contiguous areas in the units' respective jurisdictions that benefit or serve the units' jurisdictions by following the procedures set forth in IC 36-1-7. The legislative body of a unit may do the following:

- (1) Assign an area within the unit's jurisdiction to the reuse authority of another unit to allow the creation of an allocation area for the purpose of the allocation of property tax proceeds even though part of the allocation area will be outside the

jurisdiction of the reuse authority to which the new area is assigned.

(2) Pledge property tax proceeds that would be allocated to the unit's allocation fund to the reuse authority of another unit for the projects.

The reuse authority to which an area is assigned or allocated proceeds are pledged may then take all action in the area or with respect to the pledged proceeds that could be taken by a reuse authority in an allocation area or with respect to the reuse authority's own revenues until the later of the time when an ordinance rescinding this assignment or pledge is adopted by the legislative body of the assigning or pledging unit or the date on which outstanding bonds or lease rentals payable from allocated property tax proceeds are finally retired. The assigning unit shall continue to tax the taxpayers in the assigned part of the allocation area at the assigning unit's tax rates.
As added by P.L.26-1995, SEC.14.

IC 36-7-30-30

Utility services

Sec. 30. Notwithstanding any other law, utility services provided within the military base reuse district are subject to regulation by the appropriate regulatory agencies unless the utility service is provided by a utility that provides utility service solely within the geographic boundaries of an existing or a closed military installation by a utility facility in existence and operating on July 1, 1995, in which case the utility service is not subject to regulation for purposes of rate making, regulation, service delivery, or issuance of bonds or other forms of indebtedness. However, this exemption from regulation does not apply to utility service if the service is generated, treated, or produced outside the boundaries of the existing or closed military installation.
As added by P.L.26-1995, SEC.14.

IC 36-7-30-31

PILOTS

Sec. 31. (a) As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

- (1) Assessed value.
- (2) Owner.
- (3) Person.
- (4) Personal property.
- (5) Property taxation.
- (6) Tangible property.
- (7) Township assessor.

(b) As used in this section, "PILOTS" means payments in lieu of taxes.

(c) The general assembly finds the following:

- (1) That the closing of a military base in a unit results in an increased cost to the unit of providing governmental services to the area formerly occupied by the military base.
- (2) That military base property held by a reuse authority is

exempt from property taxation, resulting in the lack of an adequate tax base to support the increased governmental services.

(3) That to restore this tax base and provide a proper allocation of the cost of providing governmental services the fiscal body of the unit should be authorized to collect PILOTS from the reuse authority.

(4) That the appropriate maximum PILOTS would be the amount of the property taxes that would be paid if the tangible property were not exempt.

(d) The fiscal body of the unit may adopt an ordinance to require a reuse authority to pay PILOTS at times set forth in the ordinance with respect to tangible property of which the reuse authority is the owner or the lessee and that is exempt from property taxes. The ordinance remains in full force and effect until repealed or modified by the fiscal body.

(e) The PILOTS must be calculated so that the PILOTS do not exceed the amount of property taxes that would have been levied by the fiscal body for the unit upon the tangible property described in subsection (d) if the property were not exempt from property taxation.

(f) PILOTS shall be imposed as are property taxes and shall be based on the assessed value of the tangible property described in subsection (d). Except as provided in subsection (j), the township assessor, or the county assessor if there is no township assessor for the township, shall assess the tangible property described in subsection (d) as though the property were not exempt. The reuse authority shall report the value of personal property in a manner consistent with IC 6-1.1-3.

(g) Notwithstanding any other law, a reuse authority is authorized to pay PILOTS imposed under this section from any legally available source of revenues. The reuse authority may consider these payments to be operating expenses for all purposes.

(h) PILOTS shall be deposited in the general fund of the unit and used for any purpose for which the general fund may be used.

(i) PILOTS shall be due as set forth in the ordinance and bear interest, if unpaid, as in the case of other taxes on property. PILOTS shall be treated in the same manner as property taxes for purposes of all procedural and substantive provisions of law.

(j) If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the township assessor in this section is considered to be a reference to the county assessor.

As added by P.L.26-1995, SEC.14. Amended by P.L.219-2007, SEC.136; P.L.146-2008, SEC.771.

IC 36-7-30-32

Conditions on property development; development fees

Sec. 32. (a) Notwithstanding any other law, a reuse authority may:

(1) impose conditions on the development of any property in a

reuse area; and

(2) require the payment of development fees or other fees by private persons to pay, defray, or mitigate the costs of the construction, operation, and maintenance of infrastructure that is required or needed to serve the development, redevelopment, and reuse of property within the reuse area.

(b) Before a reuse authority may impose conditions under subsection (a)(1), the reuse authority shall adopt a written resolution finding that the conditions to be imposed are:

(1) necessary to carry out at least one (1) of the purposes of this chapter; and

(2) reasonably related in nature and extent to the impact upon the development, redevelopment, and reuse of the property upon which the conditions are imposed.

(c) Before a reuse authority may impose fees under subsection (a)(2), the reuse authority shall adopt a written resolution finding that:

(1) the infrastructure for which the fees are to be imposed is necessary to carry out at least one (1) of the purposes of this chapter and is required or needed to serve the development, redevelopment, and reuse of the property within the reuse area; and

(2) the fees to be imposed are reasonably related in nature and extent to the impact upon the infrastructure attributable to the development, redevelopment, and reuse of the property within the reuse area upon which the fees are imposed.

(d) Conditions imposed under subsection (a)(1) must be approved by the plan commission of the unit or other body responsible for developing a general plan for the unit. To approve the conditions, the plan commission or other body shall adopt a written resolution making the same findings required to be made by the reuse authority under subsection (b).

(e) Fees imposed under subsection (a)(2) must be deposited in the appropriate fund of the unit responsible for constructing, operating, and maintaining the particular infrastructure for which the fee has been imposed.

As added by P.L.228-1997, SEC.4.

IC 36-7-30-33

Provision of utility services on current or former air force base property

Sec. 33. (a) This section applies to a military base or military base property that is or was operated by the United States Air Force as an air force base.

(b) Notwithstanding any other provision of this chapter or any other law, a municipal utility may through any means provide and acquire without appraisal water, sewer, electric, and stormwater services to a military base or military base property under a negotiated agreement with:

(1) the state;

- (2) the federal government;
- (3) agencies or departments of the state or federal government;
- (4) a reuse authority;
- (5) an authority operating under IC 36-7-14.5-12.5; or
- (6) any other legal entity;

without regard to territorial or geographical restrictions except for territorial or geographical restrictions on electric services under IC 8-1-2.3 and without approvals by any entity or body other than the municipal legislative body or the board that oversees the municipal utility.

(c) An agreement entered into under subsection (b) and the provision of services under the agreement are not subject to regulatory approval. Rates and charges for the provision of services and financing of improvements to provide the services are not subject to regulatory approval.

(d) A municipal utility may fund improvements serving a military base or military base property with:

- (1) bonds payable from revenues or sources of funds permitted by statute; or
- (2) a separate series of bonds payable solely from revenues of improvements serving the military base or military base property.

(e) A municipal utility may hire employees or set up departments it considers necessary to serve a military base or military base property under this section.

(f) The municipal legislative body or the board that oversees the municipal utility may set rates and charges for the services provided on the military base or military base property that are separate from rates and charges for other ratepayers for the same services after conducting a public hearing with notice given under IC 5-3-1.

(g) Rates charged by a municipal utility providing services to a military base under this section must be established using the criteria set forth in:

- (1) IC 8-1.5-3 with respect to water services and electric services;
- (2) IC 36-9-23 with respect to sewer services; and
- (3) IC 8-1.5-5 with respect to storm water services.

(h) Nothing in this section shall be construed to prohibit a rural electric membership corporation established under IC 8-1-13 that has entered into an agreement with any entity to provide electric services to a portion of a military base or military base property from continuing to provide electric services under the agreement.

As added by P.L.229-1997, SEC.2.

IC 36-7-30-33.5

Legalization of certain contracts, agreements, and arrangements

Sec. 33.5. A contract, agreement, or arrangement executed before April 23, 1997, by a municipal utility with any entity regarding services provided in the same manner as services provided under section 33 of this chapter, as in effect on April 23, 1997, is legalized

and made valid, and the contract, agreement, or arrangement is not subject to challenge.

As added by P.L.220-2011, SEC.665.

IC 36-7-30-34

Military base reuse authority; public utility providing water service

Sec. 34. (a) This section applies to a reuse authority that owns or acquires a public utility (as defined in IC 8-1-2-1) established to provide water service.

(b) The reuse authority shall operate the public utility as a municipal water utility in accordance with IC 8-1.5-3, and has all the powers and duties of:

- (1) the board (as defined in IC 8-1.5-3-2); and
- (2) the municipal legislative body;

under IC 8-1.5-3 with respect to the operation of its municipal water utility.

As added by P.L.104-2010, SEC.3.

IC 36-7-30-35

Military base reuse authority; public utility providing sewage disposal service

Sec. 35. (a) This section applies to a reuse authority that owns or acquires a public utility (as defined in IC 8-1-2-1) established to provide sewage disposal service.

(b) The reuse authority shall operate the public utility as a municipal sewage works in accordance with IC 36-9-23, and has all the powers and duties of:

- (1) the board (as defined in IC 36-9-23-5); and
- (2) the municipal legislative body;

under IC 36-9-23 with respect to the operation of its municipal sewage works.

As added by P.L.104-2010, SEC.4.