

IC 36-7-11.5

Chapter 11.5. Historic Hotel Preservation

IC 36-7-11.5-1

Definitions

Sec. 1. (a) As used in this chapter, "advisory board" refers to the Orange County development advisory board established by section 12 of this chapter.

(b) As used in this chapter, "development commission" refers to the Orange County development commission established by section 3.5 of this chapter.

(c) As used in this chapter, "historic hotel" has the meaning set forth in IC 4-33-2-11.1.

(d) As used in this chapter, "hotel riverboat resort" refers to the historic hotels, the riverboat operated under IC 4-33-6.5, and other properties operated in conjunction with the riverboat enterprise located in Orange County.

(e) As used in this chapter, "qualified historic hotel" refers to a historic hotel that has an atrium that includes a dome that is at least two hundred (200) feet in diameter.

As added by P.L.92-2003, SEC.62. Amended by P.L.234-2007, SEC.282.

IC 36-7-11.5-2

Application; interlocal agreement

Sec. 2. (a) This chapter applies to a town that satisfies either of the following criteria:

- (1) The town contains a qualified historic hotel.
- (2) The town contains a historic hotel and is adjacent to another town containing a qualified historic hotel.

(b) The towns described in subsection (a) may enter into an interlocal agreement under IC 36-1-7 to establish a historic hotel district under this chapter. The historic hotel district:

- (1) may not include any area outside the county of the towns that enter into the interlocal agreement; and
- (2) consists solely of the real property that is:
 - (A) owned by the historic hotels; and
 - (B) part of the tract of land (as defined in IC 6-1.1-1-22.5) that includes the parcel or parcels of land upon which the historic hotel building is located.

As added by P.L.92-2003, SEC.62.

IC 36-7-11.5-3

Repealed

(As added by P.L.92-2003, SEC.62. Repealed by P.L.234-2007, SEC.290.)

IC 36-7-11.5-3.5

Orange County development commission

Sec. 3.5. (a) The Orange County development commission is established.

(b) The development commission consists of the following members:

- (1) An individual appointed by the legislative body of Orange County.
- (2) An individual appointed by the legislative body of the town of French Lick.
- (3) An individual appointed by the legislative body of the town of West Baden.
- (4) An individual appointed by the legislative body of the town of Paoli.
- (5) An individual appointed by the legislative body of the town of Orleans.
- (6) A nonvoting member appointed by the governor.

(c) The members of the development commission shall each serve for a term of three (3) years. A vacancy shall be filled for the duration of the term by the original appointing authority.

(d) Each member of the development commission must, before beginning the discharge of the duties of the member's office, do the following:

- (1) Take an oath that the member will faithfully execute the duties of the member's office according to Indiana law and rules adopted under Indiana law.
- (2) Provide a bond to the state:
 - (A) for twenty-five thousand dollars (\$25,000); and
 - (B) that is, after being executed and approved, recorded in the office of the secretary of state.

(e) A member of the development commission is not entitled to a salary per diem. However, a member is entitled to reimbursement for travel expenses incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

(f) An individual who is an employee of a county or town described in subsection (b) may not be appointed to the development commission until at least three (3) years after the date the individual's employment with the county or town is terminated.

(g) An individual who is a member of any other board serving a county or town described in subsection (b) may not be appointed to the development commission until at least three (3) years after the date the individual's membership on the board expires.

(h) An individual who is:

- (1) employed by the hotel riverboat resort or an affiliated business;
- (2) contracted or hired to perform a service for the hotel riverboat resort or an affiliated business; or
- (3) engaged in any other form of a business relationship with

the hotel riverboat resort or an affiliated business; may not be appointed to the development commission until at least three (3) years after the date on which the individual's employment or business relationship with the hotel riverboat resort or an affiliated business is terminated.

As added by P.L.234-2007, SEC.283.

IC 36-7-11.5-3.7

Abolition of historic hotel preservation commission established by interlocal agreement; transitional provisions

Sec. 3.7. (a) As used in this section, "commission" refers to a historic hotel preservation commission established by an interlocal agreement under section 3 of this chapter (before its repeal).

(b) As used in this section, "local development agreement" refers to the local development agreement:

(1) entered into by:

- (A) the town of French Lick;
- (B) the town of West Baden Springs;
- (C) Orange County;
- (D) the commission; and
- (E) Blue Sky Casino, LLC; and

(2) dated July 28, 2005.

(c) Notwithstanding any other law, the commission is abolished on July 1, 2007.

(d) Notwithstanding any other law, the term of office of a member of the commission serving on June 30, 2007, terminates July 1, 2007.

(e) Any balance remaining on June 30, 2007, in the community trust fund established under section 8 of this chapter (before its repeal) is transferred to the Orange County development commission established by section 3.5 of this chapter.

(f) On July 1, 2007, all records and property of the commission are transferred to the Orange County development commission established by section 3.5 of this chapter.

(g) Except as provided in subsection (h), an unfulfilled financial commitment made by the commission is void on July 1, 2007.

(h) The Orange County development commission shall assume the commission's commitments to the French Lick Municipal Airport.

(i) Any part of a local development agreement that requires a town to make payments to a county is void on July 1, 2007.

(j) P.L.234-2007 does not affect the validity of a historic hotel district established in Orange County before January 1, 2007, under section 2 of this chapter.

As added by P.L.220-2011, SEC.663.

IC 36-7-11.5-4

Repealed

(As added by P.L.92-2003, SEC.62. Repealed by P.L.234-2007, SEC.290.)

IC 36-7-11.5-5

Rules; required meetings

Sec. 5. (a) The development commission shall elect from its membership a chairperson and vice chairperson, who shall serve for one (1) year and may be reelected.

(b) The development commission shall adopt rules consistent with this chapter for the transaction of its business. The rules must include the time and place of regular meetings and a procedure for the calling of special meetings. Three (3) voting members constitute a quorum of the development commission. No action may be taken by the development commission unless a majority of the voting members appointed to the development commission vote in favor of taking the action.

(c) All meetings of the development commission must be open to the public, and a public record of the development commission's resolutions, proceedings, and actions must be kept.

(d) The development commission shall employ an administrator who shall act as the commission's secretary.

(e) The development commission shall hold regular meetings, at least monthly, except when it has no business pending.

As added by P.L.92-2003, SEC.62. Amended by P.L.234-2007, SEC.284.

IC 36-7-11.5-6

Funds

Sec. 6. (a) Money acquired by the development commission is subject to the laws concerning the deposit and safekeeping of public money.

(b) The money of the development commission and the accounts of each officer, employee, or other person entrusted by law with the raising, disposition, or expenditure of the money or part of the money are subject to examination by the state board of accounts.

As added by P.L.92-2003, SEC.62. Amended by P.L.234-2007, SEC.285.

IC 36-7-11.5-7

Powers and responsibilities

Sec. 7. (a) The development commission shall do the following:

- (1) Employ an administrator and other professional staff necessary to assist the development commission in carrying out its duties.
- (2) Facilitate and coordinate the development of Orange County.
- (3) Serve as a liaison between the riverboat located in a historic hotel district and the political subdivisions located in Orange County.
- (4) Facilitate and coordinate the appropriate development of the

historical environment of the towns of French Lick and West Baden.

(5) Establish a grant program to provide financial support to community organizations in Orange County.

(b) The development commission may do the following:

(1) Engage consultants, attorneys, accountants, and other professionals necessary to carry out the development commission's duties.

(2) Award grants and low interest loans to promote economic development through tourism in Orange County.

(c) The development commission shall:

(1) promote economic development through tourism;

(2) attract new business;

(3) improve housing; and

(4) engage in any other activity that promotes the development of Orange County.

As added by P.L.92-2003, SEC.62. Amended by P.L.97-2004, SEC.127; P.L.234-2007, SEC.286.

IC 36-7-11.5-8

Repealed

(As added by P.L.92-2003, SEC.62. Repealed by P.L.234-2007, SEC.290.)

IC 36-7-11.5-9

Repealed

(As added by P.L.92-2003, SEC.62. Repealed by P.L.234-2007, SEC.290.)

IC 36-7-11.5-10

Repealed

(As added by P.L.92-2003, SEC.62. Amended by P.L.28-2004, SEC.180. Repealed by P.L.234-2007, SEC.290.)

IC 36-7-11.5-11

West Baden Springs historic hotel preservation and maintenance fund

Sec. 11. (a) As used in this section, "fund" refers to the West Baden Springs historic hotel preservation and maintenance fund established by subsection (b).

(b) The West Baden Springs historic hotel preservation and maintenance fund is established. The fund consists of the following:

(1) Amounts deposited in the fund under IC 4-33-6.5-6, IC 4-33-12-6 (before the enactment of P.L.96-2010), IC 4-33-13-5(b) (before July 1, 2015), IC 6-9-45.5, and IC 6-9-45.6.

(2) Grants and gifts that the department of natural resources receives for the fund under terms, obligations, and liabilities

that the department considers appropriate.

(3) The one million dollar (\$1,000,000) initial fee paid to the gaming commission under IC 4-33-6.5.

(4) Any amount transferred to the fund upon the repeal of IC 36-7-11.5-8 (the community trust fund).

The fund shall be administered by the department of natural resources. The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund that is not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. The treasurer of state shall deposit in the fund the interest that accrues from the investment of the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) One million dollars (\$1,000,000) is appropriated from the fund to the department of natural resources in the state fiscal year beginning after June 30, 2014, and ending before July 1, 2015. Two million dollars (\$2,000,000) is appropriated from the fund to the department of natural resources in each state fiscal year beginning after June 30, 2015. The money appropriated under this subsection may be used by the department of natural resources only for the following purposes:

(1) To reimburse claims made for expenditures for a qualified historic hotel, as determined by the owner of the hotel riverboat resort.

(2) To reimburse claims made for expenditures to maintain:

(A) the grounds surrounding a qualified historic hotel;

(B) supporting buildings and structures related to a qualified historic hotel; and

(C) other facilities used by the guests of the qualified historic hotel;

as determined by the owner of the hotel riverboat resort.

The department of natural resources shall promptly pay each claim for a purpose described in this subsection, without review or approval of the project or claim under IC 14-21 or IC 36-7-11. IC 14-21-1-18 does not apply to projects or claims paid for maintenance under this section. If insufficient money is available to fully pay all of the submitted claims, the department of natural resources shall pay the claims in the order in which they are received until each claim is fully paid.

(f) Notwithstanding IC 4-9.1-1-7, IC 4-12-1-12, IC 4-13-2-18, or any other law, interest accruing to the fund may not be withheld, transferred, assigned, or reassigned to a purpose other than the reimbursement of claims under subsection (e).

As added by P.L.92-2003, SEC.62. Amended by P.L.97-2004, SEC.128; P.L.234-2007, SEC.287; P.L.96-2010, SEC.5; P.L.229-2011, SEC.266; P.L.255-2015, SEC.64.

IC 36-7-11.5-12

Orange County development advisory board

Sec. 12. (a) The Orange County development advisory board is established for the purpose of advising the development commission established under section 3.5 of this chapter.

(b) The advisory board consists of five (5) members appointed as follows:

- (1) One (1) individual appointed by the speaker of the house of representatives.
- (2) One (1) individual appointed by the president pro tempore of the senate.
- (3) One (1) individual appointed by the Orange County convention and visitors bureau.
- (4) Two (2) individuals appointed by the chief operating officer of the hotel riverboat resort.

(c) Except as provided in subsection (d), the members of the advisory board shall each serve for a term of four (4) years. A vacancy shall be filled for the duration of the term by the original appointing authority.

(d) The member appointed under subsection (b)(3) shall serve an initial term of one (1) year. As determined by the appointing authority, the two (2) members appointed under subsection (b)(4) shall serve initial terms of two (2) and three (3) years respectively.

(e) A member of the advisory board is not entitled to a salary per diem. However, a member is entitled to reimbursement for travel expenses incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

As added by P.L.234-2007, SEC.288.

IC 36-7-11.5-13

Low interest loans

Sec. 13. (a) An individual may apply for a grant or low interest loan on a form prescribed by the development commission.

(b) A form prescribed by the development commission must be designed to be read and easily understood by the ordinary individual.

As added by P.L.234-2007, SEC.289.