



April 5, 2023

ENGROSSED

HOUSE BILL No. 1069

DIGEST OF HB 1069 (Updated April 4, 2023 9:49 am - DI 140)

Citations Affected: IC 8-21; noncode.

Synopsis: Airports. Voids an administrative rule concerning eligibility of projects for which funding is available from the airport development grant fund (grant fund) and relocates (with stylistic changes) the contents of the voided administrative rule. Requires the Indiana department of transportation, in determining the match for a state grant for which federal grants are not available, to: (1) consider the airport classification and the type of project; and (2) require matching funds of at least 25%.

Effective: July 1, 2023.

Cherry, Pressel, Frye R, Gore

(SENATE SPONSOR — BYRNE)

January 9, 2023, read first time and referred to Committee on Roads and Transportation.

January 24, 2023, amended, reported — Do Pass.

January 26, 2023, read second time, ordered engrossed.

January 27, 2023, engrossed.

January 30, 2023, read third time, passed. Yeas 95, nays 1.

SENATE ACTION

February 23, 2023, read first time and referred to Committee on Homeland Security and Transportation.

April 4, 2023, reported favorably — Do Pass; reassigned to Committee on Appropriations.

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First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1069

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

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

- 1 SECTION 1. IC 8-21-11-5 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) The department
- 3 shall adopt rules under IC 4-22-2 to establish a program to foster
- 4 airport development in Indiana with special emphasis on improvement
- 5 of airports as an economic development tool. The program must
- 6 include the following components:
 - 7 (1) State grants to airports from the grant fund to match federal
 - 8 Aviation Trust Fund grants.
 - 9 (2) State grants to airports from the grant fund for airport
 - 10 development projects for which federal grants are not available.
 - 11 (3) Loans to airports from the loan fund for airport development
 - 12 projects.
 - 13 (b) The rules must establish the following for both grants and loans:
 - 14 (1) Standards of eligibility.
 - 15 (2) The maximum amount of money for which any one (1) airport
 - 16 or airport development project is eligible.
 - 17 (3) Application procedures.

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(4) The local matching funds that are required.

(5) In determining the amount of the match for a state grant for which federal grants are not available as described in subsection (a)(2), the department shall:

(A) consider the airport classification and the type of project; and

(B) require matching funds of at least twenty five percent (25%).

~~(5)~~ **(6) Other provisions to administer the grant and loan programs.**

SECTION 2. IC 8-21-11-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 5.5. (a) The program described in section 5 of this chapter is designed to optimize the use of the grant fund. The primary goals of the allocation program are to:**

(1) further the proper development and maintenance of a

statewide system of airports;

(2) further economic development; and

(3) provide safety of aircraft operations.

(b) This program requires the project to do the following:

(1) Be for the establishment or improvement of a public use airport.

(2) Be included in the Indiana airports system plan, as provided in IC 8-21-1-8.

(3) Be located on a site approved by the department.

(4) Follow an airport layout plan approved by the department.

(5) Meet the general design criteria of the Federal Aviation Administration Advisory Circulars.

However, subdivisions (1) through (5) are examples and guidelines and may be waived by the department, where, in the judgment of the department, the public interest is best served by allowing less stringent criteria.

(c) Engineering agreements for work to be financed in part by the grant fund must be reviewed for approval by the department.

(d) Airport development items that are eligible for funding include the following:

(1) Land acquisition for development of airport facilities.

(2) Engineering and legal fees for airport planning and development.

(3) Grading, drainage, paving, and miscellaneous items necessary for the construction or reconstruction of runways,



1 taxiways, and aprons.

2 (4) Acquisition of runway clear zones and aviation easements,
3 or other interests in air space as may be reasonably required
4 for safeguarding aircraft operations in the vicinity of an
5 airport.

6 (5) Removal of obstructions from approach areas.

7 (6) Installation or relocation of any of the following:

8 (A) Segmented circles.

9 (B) Runway, apron, and taxiway lights.

10 (C) Taxiway guidance signs.

11 (D) Obstruction lights.

12 (E) Security flood lights.

13 (F) Airport beacons.

14 (G) Wind and landing direction indicators.

15 (H) Auxiliary power units.

16 (I) REILs (Runway End Identification Lights) and visual
17 glideslope indicator systems.

18 (7) Grading, drainage, paving, and miscellaneous items
19 necessary for the construction or reconstruction of airport
20 access roads and public auto parking areas.

21 (8) Construction of airport safety facilities, security fencing,
22 acquisition of aircraft rescue and firefighting (ARFF)
23 vehicles, and snow removal equipment.

24 (9) Installation of instrument landing systems, approach
25 lighting systems, and other approach aids.

26 (10) Development of master planning grants.

27 (11) Airport operational buildings. However, additional
28 building projects will not be eligible until the eighth fiscal
29 year after the completion of the previous building project.

30 (12) Terminal buildings, fuel farms, and hangars.

31 (13) Other items approved by the department, where, in the
32 judgment of the department, the public interest is best served.

33 SECTION 3. [EFFECTIVE JULY 1, 2023] (a) 105 IAC 3-1-2 is
34 void. The publisher of the Indiana Administrative Code shall
35 remove 105 IAC 3-1-2 from the Indiana Administrative Code.

36 (b) This SECTION expires July 1, 2024.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1069, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 30, after "**buildings**" insert ", **fuel farms**".

and when so amended that said bill do pass.

(Reference is to HB 1069 as introduced.)

PRESSEL

Committee Vote: yeas 10, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred House Bill No. 1069, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS and be reassigned to the Senate Committee on Appropriations.

(Reference is to HB 1069 as printed January 24, 2023.)

CRIDER, Chairperson

Committee Vote: Yeas 8, Nays 0

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