

SENATE BILL No. 293

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-25.

Synopsis: Central Indiana public transportation projects. Provides that for calendar years beginning after December 31, 2021, a nonprofit corporation in an eligible county must attempt to raise an amount that is equal to at least 2% of the revenue required to fund the annual operating expenses of a public transportation project from private donors. Provides that for calendar years beginning after December 31, 2021, revenue raised to fund the annual operating expenses of a public transportation project may only be used: (1) to purchase, establish, operate, repair, or maintain a public transportation project authorized under public transportation project law; or (2) to provide transportation related services that benefit the eligible county.

Effective: July 1, 2021.

Breaux

January 11, 2021, read first time and referred to Committee on Homeland Security and Transportation.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

SENATE BILL No. 293

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 8-25-3-6, AS AMENDED BY P.L.197-2016,
2 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 6. (a) ~~The following apply to the funding of a~~
4 ~~public transportation project:~~

5 (1) ~~For the first year of operations, an amount must be raised from~~
6 ~~sources other than taxes and fares that is equal to at least ten~~
7 ~~percent (10%) of the revenue that the budget agency certifies that~~
8 ~~the county will receive in that year from a local income tax~~
9 ~~imposed to fund the public transportation project.~~

10 (2) ~~For the second year of operations and each year thereafter, at~~
11 ~~least ten percent (10%) of the annual operating expenses of the~~
12 ~~public transportation project must be paid from sources other than~~
13 ~~taxes and fares. For purposes of this subdivision, operating~~
14 ~~expenses include only those expenses incurred in the operation of~~
15 ~~fixed route services that are established or expanded as a result of~~
16 ~~a public transportation project authorized and funded under this~~
17 ~~article.~~



1 The budget agency shall assist the fiscal body of an eligible county in
 2 determining the amount of money that must be raised under
 3 subdivision (1). For purposes of this section, "operating expenses"
 4 means only those expenses incurred in the operation of the fixed
 5 route services that are established or expanded as a result of a
 6 public transportation project authorized and funded under this
 7 article.

8 (b) For calendar years beginning after December 31, 2021, a
 9 nonprofit corporation located in an eligible county must attempt
 10 to raise an amount that is equal to at least two percent (2%) of the
 11 revenue required to fund the annual operating expenses of a public
 12 transportation project authorized and funded under this article
 13 from private donors. The amount raised must be used by the
 14 nonprofit corporation to provide services that benefit the
 15 community by enhancing connectivity to jobs, education and
 16 training, health care, and healthy food options.

17 ~~(b)~~ (c) For calendar years beginning after December 31, 2021,
 18 a county fiscal body, a nonprofit corporation located in an eligible
 19 county, or another entity authorized to carry out a public transportation
 20 project under IC 8-25-4 shall attempt to raise the revenue required by
 21 subsection ~~(a)~~ (b) for a particular calendar year before the end of the
 22 third quarter of the preceding calendar year. Money raised under this
 23 section must be deposited in the county public transportation fund
 24 established under section 7 of this chapter.

25 (c) If a county fiscal body or other entity fails to raise the revenue
 26 required by subsection (a) before the deadline specified in subsection
 27 (b), the county in which the public transportation project is located is
 28 responsible for paying the difference between:

29 (1) the amount that subsection (a) requires to be raised from
 30 sources other than taxes and fares; minus

31 (2) the amount actually raised from sources other than taxes and
 32 fares.

33 SECTION 2. IC 8-25-3-7, AS ADDED BY P.L.153-2014,
 34 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2021]: Sec. 7. (a) If the fiscal body of an eligible county
 36 imposes taxes to fund a public transportation project, the county
 37 treasurer of the eligible county shall establish a county public
 38 transportation project fund to receive tax revenues collected for the
 39 public transportation project. Money received from a foundation
 40 established under IC 8-25-7 or IC 8-25-8 may be deposited into the
 41 fund.

42 (b) Money in a fund established under subsection (a) at the end of



1 the eligible county's fiscal year remains in the fund. Interest earned by
2 the fund must be deposited in the fund.

3 (c) Money deposited in an eligible county's public transportation
4 project fund may be used only:

5 (1) to purchase, establish, operate, repair, or maintain a public
6 transportation project authorized under this article; **or**

7 **(2) to provide transportation related services that benefit the**
8 **eligible county by enhancing connectivity to jobs, education**
9 **and training, health care, and healthy food options.**

10 Money in the fund may be pledged by the fiscal body of the eligible
11 county to the repayment of bonds issued for purposes of a public
12 transportation project authorized under this article.

13 (d) The fiscal body of an eligible county may, in the manner
14 provided by law, appropriate money from the fund to a public
15 transportation corporation that is authorized to:

16 (1) purchase, establish, operate, repair, or maintain the public
17 transportation project; **or**

18 **(2) provide transportation related services that benefit the**
19 **eligible county where the public transportation project is**
20 **authorized and funded under this article;**

21 if the public transportation project is located, either entirely or partially,
22 within the eligible county.

23 SECTION 3. IC 8-25-7-3, AS ADDED BY P.L.153-2014,
24 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2021]: Sec. 3. The board shall establish a foundation that is
26 organized as a nonprofit corporation that is exempt from federal
27 income taxation under Section 501(c)(3) of the Internal Revenue Code
28 to solicit and accept private funding, gifts, donations, bequests, devises,
29 and contributions to meet the requirements of ~~IC 8-25-3-6(a)~~
30 **IC 8-25-3-6.**

31 SECTION 4. IC 8-25-7-4, AS ADDED BY P.L.153-2014,
32 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2021]: Sec. 4. A foundation established under section 3 of this
34 chapter:

35 (1) shall use money received under section 3 of this chapter to:

36 (A) fund in part a public transportation project authorized
37 under this article as required by ~~IC 8-25-3-6(a)~~ **IC 8-25-3-6;**
38 and

39 (B) carry out the purposes and programs of the foundation
40 under this chapter; and

41 (2) may deposit money received under section 3 of this chapter in
42 an account or fund that is:



1 (A) administered by the foundation; and

2 (B) not part of the state or county treasury.

3 SECTION 5. IC 8-25-7-8, AS ADDED BY P.L.153-2014,
4 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2021]: Sec. 8. The fiscal body of Marion County or the board,
6 if authorized to carry out a public transportation project under
7 IC 8-25-4, may enter into any agreement necessary with the foundation
8 to meet the requirements of ~~IC 8-25-3-6(a)~~ **IC 8-25-3-6** and carry out
9 the purposes of this chapter.

10 SECTION 6. IC 8-25-8-3, AS ADDED BY P.L.153-2014,
11 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2021]: Sec. 3. The board shall establish a foundation that is
13 organized as a nonprofit corporation that is exempt from federal
14 income taxation under Section 501(c)(3) of the Internal Revenue Code
15 to solicit and accept private funding, gifts, donations, bequests, devises,
16 and contributions to meet the requirements of ~~IC 8-25-3-6(a)~~
17 **IC 8-25-3-6**.

18 SECTION 7. IC 8-25-8-4, AS ADDED BY P.L.153-2014,
19 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2021]: Sec. 4. A foundation established under section 3 of this
21 chapter:

22 (1) shall use money received under section 3 of this chapter to:

23 (A) fund in part a public transportation project authorized
24 under this article as required by ~~IC 8-25-3-6(a)~~ **IC 8-25-3-6**;
25 and

26 (B) carry out the purposes and programs of the foundation
27 under this chapter; and

28 (2) may deposit money received under section 3 of this chapter in
29 an account or fund that is:

30 (A) administered by the foundation; and

31 (B) not part of the state or county treasury.

32 SECTION 8. IC 8-25-8-8, AS ADDED BY P.L.153-2014,
33 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2021]: Sec. 8. The fiscal body of an eligible county, the board,
35 or any other entity authorized to carry out a public transportation
36 project under IC 8-25-4 in the eligible county may enter into any
37 agreement necessary with the foundation to meet the requirements of
38 ~~IC 8-25-3-6(a)~~ **IC 8-25-3-6** and carry out the purposes of this chapter.

