



January 26, 2016

SENATE BILL No. 302

DIGEST OF SB 302 (Updated January 21, 2016 2:34 pm - DI 120)

Citations Affected: IC 4-13; IC 6-8.1; IC 8-15.5; noncode.

Synopsis: State and local finance. Specifies the manner in which certain excise taxes and local taxes collected under the tax amnesty program shall be distributed. Provides that after making the distributions required under the tax amnesty program, the next \$42,000,000 collected under the program must be deposited into the Indiana regional cities development fund. Provides that any remaining amounts collected under the tax amnesty program shall be deposited in the state bicentennial capital account (rather than the state general fund, under current law). Specifies that revenue received from the rental of certain communications system infrastructure shall be deposited in the state general fund (rather than the state bicentennial capital account, under current law). Appropriates \$42,000,000 from the Indiana regional cities development fund for the purpose of funding a third grant under the regional cities initiative.

Effective: Upon passage.

**Kenley, Charbonneau, Mishler,
Holdman**

January 6, 2016, read first time and referred to Committee on Appropriations.
January 25, 2016, amended, reported favorably — Do Pass.

SB 302—LS 6808/DI 73



January 26, 2016

Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

SENATE BILL No. 302

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

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

- 1 SECTION 1. IC 4-13-1-4, AS AMENDED BY P.L.213-2015,
2 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 4. The department shall, subject to this
4 chapter, do the following:
5 (1) Execute and administer all appropriations as provided by law,
6 and execute and administer all provisions of law that impose
7 duties and functions upon the executive department of
8 government, including executive investigation of state agencies
9 supported by appropriations and the assembly of all required data
10 and information for the use of the executive department and the
11 legislative department.
12 (2) Supervise and regulate the making of contracts by state
13 agencies.
14 (3) Perform the property management functions required by
15 IC 4-20.5-6.
16 (4) Assign office space and storage space for state agencies in the
17 manner provided by IC 4-20.5-5.

SB 302—LS 6808/DI 73



- 1 (5) Maintain and operate the following for state agencies:
 2 (A) Central duplicating.
 3 (B) Printing.
 4 (C) Machine tabulating.
 5 (D) Mailing services.
 6 (E) Centrally available supplemental personnel and other
 7 essential supporting services.
- 8 The department may require state agencies to use these general
 9 services in the interests of economy and efficiency. The general
 10 services rotary fund is established through which these services
 11 may be rendered to state agencies. The budget agency shall
 12 determine the amount for the general services rotary fund.
- 13 (6) Control and supervise the acquisition, operation, maintenance,
 14 and replacement of state owned vehicles by all state agencies. The
 15 department may establish and operate, in the interest of economy
 16 and efficiency, a motor vehicle pool, and may finance the pool by
 17 a rotary fund. The budget agency shall determine the amount to
 18 be deposited in the rotary fund.
- 19 (7) Promulgate and enforce rules relative to the travel of officers
 20 and employees of all state agencies when engaged in the
 21 performance of state business. These rules may allow
 22 reimbursement for travel expenses by any of the following
 23 methods:
 24 (A) Per diem.
 25 (B) For expenses necessarily and actually incurred.
 26 (C) Any combination of the methods in clauses (A) and (B).
 27 The rules must require the approval of the travel by the
 28 commissioner and the head of the officer's or employee's
 29 department prior to payment.
- 30 (8) Administer IC 4-13.6.
- 31 (9) Prescribe the amount and form of certified checks, deposits,
 32 or bonds to be submitted in connection with bids and contracts
 33 when not otherwise provided for by law.
- 34 (10) Rent out, with the approval of the governor, any state
 35 property, real or personal:
 36 (A) not needed for public use; or
 37 (B) for the purpose of providing services to the state or
 38 employees of the state;
 39 the rental of which is not otherwise provided for or prohibited by
 40 law. Property may not be rented out under this subdivision for a
 41 term exceeding ten (10) years at a time. However,
 42 communications system infrastructure, including towers and



- 1 associated land, improvements, foundations, access roads and
 2 rights-of-way, structures, fencing, and equipment that are
 3 necessary, proper, or convenient to transmit or receive voice or
 4 data communications, may be rented out under this subdivision
 5 for a term not to exceed twenty-five (25) years at a time. Revenue
 6 received from the rental of such communications system
 7 infrastructure shall be deposited in the state ~~bicentennial capital~~
 8 ~~account established by IC 4-12-1-14.9.~~ **general fund.** In addition,
 9 if property is rented out for a term of more than four (4) years, the
 10 commissioner must make a written determination stating the
 11 reasons that it is in the best interests of the state to rent property
 12 for the longer term. This subdivision does not include the power
 13 to grant or issue permits or leases to explore for or take coal, sand,
 14 gravel, stone, gas, oil, or other minerals or substances from or
 15 under the bed of any of the navigable waters of the state or other
 16 lands owned by the state.
- 17 (11) Have charge of all central storerooms, supply rooms, and
 18 warehouses established and operated by the state and serving
 19 more than one (1) agency.
- 20 (12) Enter into contracts and issue orders for printing as provided
 21 by IC 4-13-4.1.
- 22 (13) Sell or dispose of surplus property under IC 5-22-22, or if
 23 advantageous, to exchange or trade in the surplus property toward
 24 the purchase of other supplies, materials, or equipment, and to
 25 make proper adjustments in the accounts and inventory pertaining
 26 to the state agencies concerned.
- 27 (14) With respect to power, heating, and lighting plants owned,
 28 operated, or maintained by any state agency:
- 29 (A) inspect;
 30 (B) regulate their operation; and
 31 (C) recommend improvements to those plants to promote
 32 economical and efficient operation.
- 33 (15) Administer, determine salaries, and determine other
 34 personnel matters of the department of correction ombudsman
 35 bureau established by IC 4-13-1.2-3.
- 36 (16) Adopt rules to establish and implement a "Code Adam"
 37 safety protocol as described in IC 4-20.5-6-9.2.
- 38 (17) Adopt policies and standards for making state owned
 39 property reasonably available to be used free of charge as
 40 locations for making motion pictures.
- 41 (18) Administer, determine salaries, and determine other
 42 personnel matters of the department of child services ombudsman



1 established by IC 4-13-19-3.

2 SECTION 2. IC 6-8.1-3-25, AS ADDED BY P.L.213-2015,
3 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 25. Notwithstanding any other law, the
5 department shall deposit the amounts collected under a tax amnesty
6 program carried out under section 17 of this chapter after June 30,
7 2015, as follows:

8 **(1) County income tax collected under IC 6-3.5-1.1, IC 6-3.5-6,**
9 **or IC 6-3.5-7 (repealed January 1, 2017) shall be distributed**
10 **to counties in the same manner as otherwise provided by the**
11 **appropriate chapter of the Indiana Code.**

12 **(2) Eight percent (8%) of inheritance tax collected for**
13 **resident decedents shall be distributed to counties in the**
14 **manner provided under IC 6-4.1-9-6.**

15 **(3) County innkeeper's tax collected shall be deposited as**
16 **required by IC 6-9.**

17 **(4) County and municipal food and beverage tax collected**
18 **shall be deposited as required by IC 6-9.**

19 **(5) County admissions taxes collected shall be deposited as**
20 **required by IC 6-9-13 and IC 6-9-28.**

21 **(6) Aircraft license excise tax collected shall be deposited as**
22 **required by IC 6-6-6.5-21.**

23 **(7) Auto rental excise tax collected shall be deposited as**
24 **required by IC 6-6-9-11.**

25 **(8) Supplemental auto rental excise tax shall be deposited as**
26 **otherwise required by the appropriate chapter of the Indiana**
27 **Code.**

28 **(9) Financial institutions tax collected shall be deposited as**
29 **required by IC 6-5.5-8-2.**

30 **(+)(10) After making the deposits required under subdivisions**
31 **(1) through (9), the first eighty-four million dollars**
32 **(\$84,000,000) collected must be deposited into the Indiana**
33 **regional cities development fund established by IC 5-28-38-2.**

34 **(-)(11) After making the deposits required under ~~subdivision~~**
35 **subdivisions (1) through (10), the next six million dollars**
36 **(\$6,000,000) collected shall be transferred to the Indiana**
37 **department of transportation to reimburse the Indiana department**
38 **of transportation for money expended by the Indiana department**
39 **of transportation under IC 8-23-2-18.5 for the operation of the**
40 **Hoosier State Rail Line. However, the total amount transferred**
41 **under this subdivision to the Indiana department of transportation**
42 **may not exceed the lesser of:**



1 (A) six million dollars (\$6,000,000); or
 2 (B) the total amount expended by the Indiana department of
 3 transportation under IC 8-23-2-18.5 for the operation of the
 4 Hoosier State Rail Line after June 30, 2015, and before July 1,
 5 2017.

6 **(12) After making the deposits required under subdivisions (1)**
 7 **through (11), the next forty-two million dollars (\$42,000,000)**
 8 **collected must be deposited into the Indiana regional cities**
 9 **development fund established by IC 5-28-38-2.**

10 ~~(13)~~ **(13) Any remaining amounts collected must be deposited into**
 11 **the state ~~general fund~~ bicentennial capital account established**
 12 **by IC 4-12-1-14.9.**

13 SECTION 3. IC 8-15.5-1-2, AS AMENDED BY THE TECHNICAL
 14 CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS
 15 AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
 16 PASSAGE]: Sec. 2. (a) This article contains full and complete
 17 authority for public-private agreements between the authority, a private
 18 entity, and, where applicable, a governmental entity. Except as
 19 provided in this article, no law, procedure, proceeding, publication,
 20 notice, consent, approval, order, or act by the authority or any other
 21 officer, department, agency, or instrumentality of the state or any
 22 political subdivision is required for the authority to enter into a
 23 public-private agreement with a private entity under this article, or for
 24 a project that is the subject of a public-private agreement to be
 25 constructed, acquired, maintained, repaired, operated, financed,
 26 transferred, or conveyed.

27 (b) Before the authority or the department may issue a request for
 28 proposals for or enter into a public-private agreement under this article
 29 that would authorize an operator to impose tolls for the operation of
 30 motor vehicles on all or part of a toll road project, the general assembly
 31 must adopt a statute authorizing the imposition of tolls. However,
 32 during the period beginning July 1, 2011, and ending June 30, 2021,
 33 and notwithstanding subsection (c), the general assembly is not
 34 required to enact a statute authorizing the authority or the department
 35 to issue a request for proposals or enter into a public-private agreement
 36 to authorize an operator to impose tolls for the operation of motor
 37 vehicles on all or part of the following projects:

38 (1) A project on which construction begins after June 30, 2011,
 39 not including any part of Interstate Highway 69 other than a part
 40 described in subdivision (4).

41 (2) The addition of toll lanes, including high occupancy toll lanes,
 42 to a highway, roadway, or other facility in existence on July 1,



- 1 2011, if the number of nontolled lanes on the highway, roadway,
2 or facility as of July 1, 2011, does not decrease due to the addition
3 of the toll lanes.
- 4 (3) The Illiana Expressway, a limited access facility connecting
5 Interstate Highway 65 in northwestern Indiana with an interstate
6 highway in Illinois.
- 7 (4) A project that is located within a metropolitan planning area
8 (as defined by 23 U.S.C. 134) and that connects the state of
9 Indiana with the commonwealth of Kentucky.
- 10 (c) Before the authority or an operator may carry out any of the
11 following activities under this article, the general assembly must enact
12 a statute authorizing that activity:
- 13 (1) Imposing tolls on motor vehicles for use of Interstate Highway
14 69.
- 15 (2) Imposing tolls on motor vehicles for use of a nontolled
16 highway, roadway, or other facility in existence or under
17 construction on July 1, 2011, including nontolled interstate
18 highways, U.S. routes, and state routes.
- 19 (d) ~~Except as provided in subsection (c)(1);~~ The general assembly
20 is not required to enact a statute authorizing the authority or the
21 department to issue a request for proposals or enter into a
22 public-private agreement for a freeway project.
- 23 (e) The authority may enter into a public-private agreement for a
24 facility project if the general assembly, by statute, authorizes the
25 authority to enter into a public-private agreement for the facility
26 project.
- 27 (f) As permitted by subsection (e), the general assembly authorizes
28 the authority to enter into public-private agreements for the following
29 facility projects:
- 30 (1) A state park inn and related improvements in an existing state
31 park located in a county with a population of more than two
32 hundred thousand (200,000) and less than three hundred thousand
33 (300,000).
- 34 (2) Communications systems infrastructure, including:
- 35 (A) towers and associated land, improvements, foundations,
36 access roads and rights-of-way, structures, fencing, and
37 equipment necessary, proper, or convenient to enable the
38 towers to function as part of the communications system;
- 39 (B) any equipment necessary, proper, or convenient to transmit
40 and receive voice and data communications; and
- 41 (C) any other necessary, proper, or convenient elements of the
42 communications system.



1 (3) Larue D. Carter Memorial Hospital in Indianapolis.

2 (g) The authority shall transfer money received from an operator
3 under a lease agreement for communications systems infrastructure
4 under ~~subdivision subsection~~ (f)(2) to the state ~~bicentennial capital~~
5 ~~account established under IC 4-12-1-14.9.~~ **general fund.**

6 SECTION 4. [EFFECTIVE UPON PASSAGE] **(a) There is**
7 **appropriated from the Indiana regional cities development fund**
8 **established by IC 5-28-38-2 forty-two million dollars (\$42,000,000)**
9 **for the purpose of funding a third grant under the regional cities**
10 **initiative.**

11 **(b) This SECTION expires June 30, 2017.**

12 SECTION 5. **An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 302, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE UPON PASSAGE]".

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-13-1-4, AS AMENDED BY P.L.213-2015, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The department shall, subject to this chapter, do the following:

- (1) Execute and administer all appropriations as provided by law, and execute and administer all provisions of law that impose duties and functions upon the executive department of government, including executive investigation of state agencies supported by appropriations and the assembly of all required data and information for the use of the executive department and the legislative department.
- (2) Supervise and regulate the making of contracts by state agencies.
- (3) Perform the property management functions required by IC 4-20.5-6.
- (4) Assign office space and storage space for state agencies in the manner provided by IC 4-20.5-5.
- (5) Maintain and operate the following for state agencies:
 - (A) Central duplicating.
 - (B) Printing.
 - (C) Machine tabulating.
 - (D) Mailing services.
 - (E) Centrally available supplemental personnel and other essential supporting services.

The department may require state agencies to use these general services in the interests of economy and efficiency. The general services rotary fund is established through which these services may be rendered to state agencies. The budget agency shall determine the amount for the general services rotary fund.

- (6) Control and supervise the acquisition, operation, maintenance, and replacement of state owned vehicles by all state agencies. The department may establish and operate, in the interest of economy



and efficiency, a motor vehicle pool, and may finance the pool by a rotary fund. The budget agency shall determine the amount to be deposited in the rotary fund.

(7) Promulgate and enforce rules relative to the travel of officers and employees of all state agencies when engaged in the performance of state business. These rules may allow reimbursement for travel expenses by any of the following methods:

(A) Per diem.

(B) For expenses necessarily and actually incurred.

(C) Any combination of the methods in clauses (A) and (B).

The rules must require the approval of the travel by the commissioner and the head of the officer's or employee's department prior to payment.

(8) Administer IC 4-13.6.

(9) Prescribe the amount and form of certified checks, deposits, or bonds to be submitted in connection with bids and contracts when not otherwise provided for by law.

(10) Rent out, with the approval of the governor, any state property, real or personal:

(A) not needed for public use; or

(B) for the purpose of providing services to the state or employees of the state;

the rental of which is not otherwise provided for or prohibited by law. Property may not be rented out under this subdivision for a term exceeding ten (10) years at a time. However, communications system infrastructure, including towers and associated land, improvements, foundations, access roads and rights-of-way, structures, fencing, and equipment that are necessary, proper, or convenient to transmit or receive voice or data communications, may be rented out under this subdivision for a term not to exceed twenty-five (25) years at a time. Revenue received from the rental of such communications system infrastructure shall be deposited in the state ~~bicentennial capital account established by IC 4-12-1-14.9.~~ **general fund**. In addition, if property is rented out for a term of more than four (4) years, the commissioner must make a written determination stating the reasons that it is in the best interests of the state to rent property for the longer term. This subdivision does not include the power to grant or issue permits or leases to explore for or take coal, sand, gravel, stone, gas, oil, or other minerals or substances from or under the bed of any of the navigable waters of the state or other



lands owned by the state.

(11) Have charge of all central storerooms, supply rooms, and warehouses established and operated by the state and serving more than one (1) agency.

(12) Enter into contracts and issue orders for printing as provided by IC 4-13-4.1.

(13) Sell or dispose of surplus property under IC 5-22-22, or if advantageous, to exchange or trade in the surplus property toward the purchase of other supplies, materials, or equipment, and to make proper adjustments in the accounts and inventory pertaining to the state agencies concerned.

(14) With respect to power, heating, and lighting plants owned, operated, or maintained by any state agency:

(A) inspect;

(B) regulate their operation; and

(C) recommend improvements to those plants to promote economical and efficient operation.

(15) Administer, determine salaries, and determine other personnel matters of the department of correction ombudsman bureau established by IC 4-13-1.2-3.

(16) Adopt rules to establish and implement a "Code Adam" safety protocol as described in IC 4-20.5-6-9.2.

(17) Adopt policies and standards for making state owned property reasonably available to be used free of charge as locations for making motion pictures.

(18) Administer, determine salaries, and determine other personnel matters of the department of child services ombudsman established by IC 4-13-19-3."

Page 2, line 35, strike "general fund." and insert "**bicentennial capital account established by IC 4-12-1-14.9**".

Page 2, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 3. IC 8-15.5-1-2, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This article contains full and complete authority for public-private agreements between the authority, a private entity, and, where applicable, a governmental entity. Except as provided in this article, no law, procedure, proceeding, publication, notice, consent, approval, order, or act by the authority or any other officer, department, agency, or instrumentality of the state or any political subdivision is required for the authority to enter into a public-private agreement with a private entity under this article, or for



a project that is the subject of a public-private agreement to be constructed, acquired, maintained, repaired, operated, financed, transferred, or conveyed.

(b) Before the authority or the department may issue a request for proposals for or enter into a public-private agreement under this article that would authorize an operator to impose tolls for the operation of motor vehicles on all or part of a toll road project, the general assembly must adopt a statute authorizing the imposition of tolls. However, during the period beginning July 1, 2011, and ending June 30, 2021, and notwithstanding subsection (c), the general assembly is not required to enact a statute authorizing the authority or the department to issue a request for proposals or enter into a public-private agreement to authorize an operator to impose tolls for the operation of motor vehicles on all or part of the following projects:

- (1) A project on which construction begins after June 30, 2011, not including any part of Interstate Highway 69 other than a part described in subdivision (4).
- (2) The addition of toll lanes, including high occupancy toll lanes, to a highway, roadway, or other facility in existence on July 1, 2011, if the number of nontolled lanes on the highway, roadway, or facility as of July 1, 2011, does not decrease due to the addition of the toll lanes.
- (3) The Illiana Expressway, a limited access facility connecting Interstate Highway 65 in northwestern Indiana with an interstate highway in Illinois.
- (4) A project that is located within a metropolitan planning area (as defined by 23 U.S.C. 134) and that connects the state of Indiana with the commonwealth of Kentucky.

(c) Before the authority or an operator may carry out any of the following activities under this article, the general assembly must enact a statute authorizing that activity:

- (1) Imposing tolls on motor vehicles for use of Interstate Highway 69.
- (2) Imposing tolls on motor vehicles for use of a nontolled highway, roadway, or other facility in existence or under construction on July 1, 2011, including nontolled interstate highways, U.S. routes, and state routes.

(d) ~~Except as provided in subsection (c)(1);~~ The general assembly is not required to enact a statute authorizing the authority or the department to issue a request for proposals or enter into a public-private agreement for a freeway project.

(e) The authority may enter into a public-private agreement for a



facility project if the general assembly, by statute, authorizes the authority to enter into a public-private agreement for the facility project.

(f) As permitted by subsection (e), the general assembly authorizes the authority to enter into public-private agreements for the following facility projects:

(1) A state park inn and related improvements in an existing state park located in a county with a population of more than two hundred thousand (200,000) and less than three hundred thousand (300,000).

(2) Communications systems infrastructure, including:

(A) towers and associated land, improvements, foundations, access roads and rights-of-way, structures, fencing, and equipment necessary, proper, or convenient to enable the towers to function as part of the communications system;

(B) any equipment necessary, proper, or convenient to transmit and receive voice and data communications; and

(C) any other necessary, proper, or convenient elements of the communications system.

(3) Larue D. Carter Memorial Hospital in Indianapolis.

(g) The authority shall transfer money received from an operator under a lease agreement for communications systems infrastructure under ~~subdivision subsection~~ (f)(2) to the state ~~bicentennial capital account established under IC 4-12-1-14.9.~~ **general fund.**"

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 302 as introduced.)

KENLEY, Chairperson

Committee Vote: Yeas 10, Nays 0.

