

SENATE BILL No. 333

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-10-22; IC 8-14-15-10; IC 8-14.5-6-1.

Synopsis: Transportation funding. Amends the statute concerning the use of excess state reserves to provide that, to the extent state reserves at the end of a state fiscal year are greater than 11.5% of general revenue appropriations, those excess reserves shall be transferred to the state highway fund for road and bridge repair. Specifies that this transfer shall be made from the state general fund. Specifies that the office of management and budget (OMB) may consider the balance in the state tuition reserve account when determining the amount of excess reserves. (Under current law, the OMB may not consider that balance when making the calculation of excess reserves.) Provides that in addition to existing transfers of interest from the next generation trust fund, the treasurer of state shall transfer the first \$50,000,000 of interest accruing to the trust after March 15, 2016, to the state highway fund for the purposes of road and bridge repair. Removes the provision that prohibits the Indiana finance authority from issuing bonds after July 1, 2007, for the construction of transportation projects.

Effective: Upon passage.

Yoder

January 7, 2016, read first time and referred to Committee on Homeland Security & Transportation.



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. 333

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 4-10-22-1, AS AMENDED BY P.L.213-2015,
2 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 1. (a) After the end of each ~~odd-numbered~~
4 state fiscal year, the office of management and budget shall calculate
5 in the customary manner the total amount of state reserves as of the end
6 of the state fiscal year. The office of management and budget shall
7 make the calculation not later than July 31 of each ~~odd-numbered~~ year.

8 (b) The office of management and budget may ~~not~~ consider a
9 balance in the state tuition reserve account established by
10 IC 4-12-1-15.7 when making the calculation required by subsection (a).

11 SECTION 2. IC 4-10-22-2, AS AMENDED BY P.L.160-2012,
12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 UPON PASSAGE]: Sec. 2. If:

14 (1) the total amount of state reserves calculated by the office of
15 management and budget exceeds ~~twelve~~ **eleven** and five-tenths
16 percent (~~12.5%~~) (**11.5%**) of the general revenue appropriations
17 for the current state fiscal year; and



1 (2) the accounts payable by the state at the end of the preceding
 2 state fiscal year are not unusually large as a percentage of the total
 3 amount of state reserves (as compared to recent history);
 4 the governor shall make a presentation to the state budget committee
 5 regarding the disposition of excess state reserves under section 3 of this
 6 chapter. The presentation must be made not later than September 30 of
 7 each ~~odd-numbered~~ year.

8 SECTION 3. IC 4-10-22-3, AS AMENDED BY P.L.91-2014,
 9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 UPON PASSAGE]: Sec. 3. (a) If, after completing the presentation to
 11 the state budget committee described in section 2 of this chapter, the
 12 amount of the excess reserves is fifty million dollars (\$50,000,000) or
 13 more, the governor shall do the following:

14 (1) If the year is calendar year 2013, transfer one hundred percent
 15 (100%) of the excess reserves to the pension stabilization fund
 16 established by IC 5-10.4-2-5 for the purposes of the pension
 17 stabilization fund. If the year is calendar year 2014 or ~~thereafter~~,
 18 **2015**, transfer fifty percent (50%) of any excess reserves to the
 19 pension stabilization fund established by IC 5-10.4-2-5 for the
 20 purposes of the pension stabilization fund.

21 (2) If the year is calendar year 2014 or ~~thereafter~~, **2015**, use fifty
 22 percent (50%) of any excess reserves for the purposes of
 23 providing an automatic taxpayer refund under section 4 of this
 24 chapter.

25 **(b) This subsection applies in calendar year 2016 and thereafter.**
 26 **If excess reserves exist, and after completing the calculation**
 27 **required in section 1 of this chapter and the presentation to the**
 28 **budget committee described in section 2 of this chapter, the**
 29 **governor shall transfer one hundred percent (100%) of the excess**
 30 **reserves to the state highway fund for road and bridge repair. This**
 31 **transfer shall be made from the state general fund.**

32 SECTION 4. IC 8-14-15-10, AS ADDED BY P.L.47-2006,
 33 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 UPON PASSAGE]: Sec. 10. (a) The principal of the trust may not be
 35 diminished during the term of the trust.

36 (b) The income that accrues from investment of the trust shall be
 37 deposited in the trust.

38 (c) **Except as provided in subsection (d)**, on March 15, 2011,
 39 March 15, 2016, **March 15, 2021**, and March 15 every five (5) years
 40 thereafter, the treasurer of state shall transfer all interest accruing to the
 41 trust to the major moves construction fund.

42 **(d) In addition to transfers on the dates set forth in subsection**



1 **(c), the treasurer of state shall transfer the first fifty million dollars**
2 **(\$50,000,000) of interest accruing to the trust after March 15, 2016,**
3 **to the state highway fund for the purpose of road and bridge**
4 **repair.**

5 SECTION 5. IC 8-14.5-6-1 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Except as
7 provided in sections 2 and 5 of this chapter, the authority may, by
8 resolution, issue and sell bonds or notes of the authority for the purpose
9 of providing funds to carry out the provisions of this article with
10 respect to the construction of a project or projects or the refunding of
11 any bonds or notes, together with any reasonable costs associated with
12 a refunding. ~~However, the authority may not issue any bonds or notes~~
13 ~~for the construction of a project after July 1, 2007.~~

14 SECTION 6. **An emergency is declared for this act.**

