



Reprinted
February 27, 2002

ENGROSSED SENATE BILL No. 429

DIGEST OF SB 429 (Updated February 26, 2002 8:24 PM - DI 44)

Citations Affected: IC 5-1.

Synopsis: Restrictions on terms of bond issues. Provides that, without the approval of the budget director after review by the budget committee, certain entities may not include an agreement to seek appropriations from the general assembly to restore a debt service reserve fund or otherwise pay debt service on bonds or other obligations in a resolution, trust agreement, indenture, or other agreement adopted or entered into after March 31, 2002.

Effective: April 1, 2002.

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(HOUSE SPONSORS — BAUER, ESPICH)

January 10, 2002, read first time and referred to Committee on Finance.

January 22, 2002, reported favorably — Do Pass.

January 28, 2002, read second time, amended, ordered engrossed.

January 29, 2002, engrossed.

January 31, 2002, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 11, 2002, read first time and referred to Committee on Ways and Means.

February 21, 2002, reported — Do Pass.

February 25, 2002, read second time, ordered engrossed. Engrossed.

February 26, 2002, read third time, recommitted to Committee of One, amended; passed. Yeas 91, nays 0.

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ES 429—LS 7172/DI 44+



Reprinted
February 27, 2002

Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

ENGROSSED SENATE BILL No. 429

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

- 1 SECTION 1. IC 5-1-14-4.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 APRIL 1, 2002]: **Sec. 4.5. (a) This section applies to:**
4 (1) **the Indiana development finance authority;**
5 (2) **the state office building commission;**
6 (3) **the Indiana health facility financing authority;**
7 (4) **the Indiana housing finance authority;**
8 (5) **the Indiana port commission;**
9 (6) **the Indiana transportation finance authority;**
10 (7) **the recreational development commission;**
11 (8) **the state fair commission;**
12 (9) **the Indiana educational facilities authority; and**
13 (10) **the Indiana political subdivision risk management**
14 **commission.**
15 (b) **Notwithstanding any other law, after March 31, 2002, an**
16 **issuer described in subsection (a), or any other entity or individual**
17 **acting on behalf of an issuer described in subsection (a), may not:**

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1 (1) include in a resolution, trust agreement, indenture, or
 2 other agreement adopted or entered into after March 31,
 3 2002, a provision stating that the issuer or any other entity or
 4 individual is authorized or required to request appropriations
 5 from the general assembly to:
 6 (A) restore a debt service reserve fund; or
 7 (B) otherwise pay debt service on or secure any obligations
 8 or any lease rental or contractual obligations; or
 9 (2) amend a resolution, trust agreement, indenture, or any
 10 other agreement after March 31, 2002, by adding a provision
 11 described in subdivision (1);
 12 unless the inclusion or addition of that provision is authorized by
 13 subsection (c) reviewed by the budget committee and approved by
 14 the budget agency approved by the budget director. A provision
 15 included in or added to a resolution, trust agreement, indenture, or
 16 other agreement in violation of this section is void and
 17 unenforceable.
 18 (c) This section:
 19 (1) does not prohibit the Indiana bond bank from including a
 20 description of the duties of the chairman of the Indiana bond
 21 bank under IC 5-1.5-5-4 or IC 5-1.5-6.5-4; and
 22 (2) does not prohibit the Indiana transportation finance
 23 authority from including a description of the duties of the
 24 chairman of the authority under IC 8-14.5-5-2(d);
 25 in a resolution, trust agreement, indenture, or other agreement.
 26 SECTION 2. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Finance, to which was referred Senate Bill No. 429, 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.

(Reference is made to Senate Bill 429 as introduced.)

BORST, Chairperson

Committee Vote: Yeas 15, Nays 0.

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SENATE MOTION

Mr. President: I move that Senate Bill 429 be amended to read as follows:

- Page 1, delete line 6.
- Page 1, line 7, delete "(4)" and insert "**(3)**".
- Page 1, line 8, delete "(5)" and insert "**(4)**".
- Page 1, line 9, delete "(6)" and insert "**(5)**".
- Page 1, line 10, delete "(7)" and insert "**(6)**".
- Page 1, line 11, delete "(8)" and insert "**(7)**".
- Page 1, line 12, delete "(9)" and insert "**(8)**".
- Page 1, line 13, delete "(10)" and insert "**(9)**".
- Page 1, line 14, delete "(11)" and insert "**(10)**".

(Reference is to SB 429 as printed January 23, 2002.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 429, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BAUER, Chair

Committee Vote: yeas 23, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 429 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 2, line 13, delete "or" and insert "**reviewed by the budget committee and approved by the budget agency**".

(Reference is to ESB 429 as printed February 22, 2002.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 429, begs leave to report that said bill has been amended as directed.

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