
SENATE BILL No. 390

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-11-6.5; IC 4-30-16-3; IC 4-30-17; IC 4-31-9-3; IC 4-32-10-6; IC 4-33-13-5; IC 4-34-2-1; IC 6-6-5-9.5; IC 6-6-5-9.6.

Synopsis: Repeal of the build Indiana fund. Requires that money previously deposited in the build Indiana fund be deposited in the state general fund on June 30, 2002. Repeals the build Indiana fund in 2005.

Effective: June 30, 2002; July 1, 2002; June 30, 2005.

Johnson

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

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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.

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SENATE BILL No. 390



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

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

1 SECTION 1. IC 3-11-6.5-2, AS ADDED BY P.L.239-2001,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2002]: Sec. 2. (a) The voting system improvement fund is
4 established for the purpose of reimbursing counties for the:
5 (1) purchase;
6 (2) lease-purchase; or
7 (3) lease;
8 of new voting systems or for the upgrade or expansion of existing
9 voting systems.
10 (b) The fund consists of the following:
11 (1) Money appropriated to the fund by the general assembly.
12 ~~including any money appropriated from the build Indiana fund.~~
13 (2) All money allocated to the state by the federal government for
14 improvement of voting systems.
15 (3) Proceeds of bonds issued by the Indiana bond bank for
16 improvement of voting systems as authorized by law.
17 The auditor of state shall establish an account within the fund for



1 money appropriated by the general assembly and a separate account
 2 within the fund for any money received by the state from the federal
 3 government. Proceeds of bonds issued by the Indiana bond bank under
 4 subdivision (3) may be deposited into either account, as determined by
 5 the election division.

6 (c) The election division shall administer the fund.

7 (d) The expenses of administering the fund shall be paid from
 8 money in the fund.

9 (e) The treasurer of state shall invest the money in the fund not
 10 currently needed to meet the obligations of the fund in the same
 11 manner as other public money may be invested. Interest that accrues
 12 from these investments shall be deposited in the fund.

13 (f) Money in the fund at the end of a state fiscal year does not revert
 14 to the state general fund.

15 (g) Money in the fund is appropriated continuously for the purposes
 16 stated in subsection (a).

17 (h) Money in the fund derived from appropriations made by the
 18 general assembly or that are the proceeds of bonds issued by the
 19 Indiana bond bank may be used only to reimburse counties for the:

- 20 (1) purchase;
- 21 (2) lease-purchase; or
- 22 (3) lease;

23 of new voting systems or upgrades or expansion of existing voting
 24 systems after June 30, 2001.

25 (i) Money in the fund derived from money received by the state
 26 from the federal government may be used for either of the following
 27 purposes:

- 28 (1) To reimburse counties for the:
 - 29 (A) purchase;
 - 30 (B) lease-purchase; or
 - 31 (C) lease;

32 of new voting systems or upgrades or expansion of existing voting
 33 systems after June 30, 2001.

- 34 (2) To reimburse counties for the purchase of new voting systems
 35 or upgrades or expansion of existing voting systems after January
 36 1, 1998, and before July 1, 2001.

37 SECTION 2. IC 3-11-6.5-7, AS ADDED BY P.L.239-2001,
 38 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2002]: Sec. 7. (a) The voting system education fund is
 40 established for the purpose of providing money for development and
 41 implementation of programs by counties for educating voters about
 42 voting procedures.



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1 (b) The fund consists of money appropriated to the fund by the
 2 general assembly: ~~including any money appropriated from the build~~
 3 ~~Indiana fund.~~

4 (c) The election division shall administer the fund.

5 (d) The expenses of administering the fund shall be paid from
 6 money in the fund.

7 (e) The treasurer of state shall invest the money in the fund not
 8 currently needed to meet the obligations of the fund in the same
 9 manner as other public money may be invested. Interest that accrues
 10 from these investments shall be deposited in the fund.

11 (f) Money in the fund at the end of a state fiscal year does not revert
 12 to the state general fund.

13 (g) Money in the fund is appropriated continuously for the purposes
 14 stated in subsection (a).

15 SECTION 3. IC 4-30-16-3, AS AMENDED BY P.L.273-1999,
 16 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2002]: Sec. 3. (a) The commission shall transfer the surplus
 18 revenue in the administrative trust fund as follows:

19 (1) Before the last business day of January, April, July, and
 20 October, the commission shall transfer to the treasurer of state, for
 21 deposit in the Indiana state teachers' retirement fund
 22 (IC 21-6.1-2), an amount equal to the lesser of:

23 (A) seven million five hundred thousand dollars (\$7,500,000);
 24 or

25 (B) the additional quarterly contribution needed so that the
 26 ratio of the unfunded liability of the Indiana state teachers'
 27 retirement fund compared to total active teacher payroll is as
 28 close as possible to but not greater than the ratio that existed
 29 on the preceding July 1.

30 On or before June 15 of each year, the board of trustees of the
 31 Indiana state teachers' retirement fund shall submit to the
 32 treasurer of state, each member of the pension management
 33 oversight commission, and the auditor of state its estimate of the
 34 quarterly amount needed to freeze the unfunded accrued liability
 35 of the pre-1996 account (as defined in IC 21-6.1-1-6.9) as a
 36 percent of payroll. The estimate shall be based on the most recent
 37 actuarial valuation of the fund. Notwithstanding any other law,
 38 including any appropriations law resulting from a budget bill (as
 39 defined in IC 4-12-1-2), the money transferred under this
 40 subdivision shall be set aside in a special account to be used as a
 41 credit against the unfunded accrued liability of the pre-1996
 42 account (as defined in IC 21-6.1-1-6.9) of the Indiana state

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1 teachers' retirement fund. The money transferred is in addition to
2 the appropriation needed to pay benefits for the state fiscal year.

3 (2) Before the last business day of January, April, July, and
4 October, the commission shall transfer:

5 (A) two million five hundred thousand dollars (\$2,500,000) of
6 the surplus revenue to the treasurer of state for deposit in the
7 "k" portion of the pension relief fund (IC 5-10.3-11); and

8 (B) five million dollars (\$5,000,000) of the surplus revenue to
9 the treasurer of state for deposit in the "m" portion of the
10 pension relief fund (IC 5-10.3-11).

11 (3) The surplus revenue remaining in the fund on the last day of
12 January, April, July, and October after the transfers under
13 subdivisions (1) and (2) shall be transferred by the commission to
14 the treasurer of state for deposit on that day in the ~~build Indiana~~
15 ~~fund~~ **state general fund**.

16 (b) The commission may make transfers to the treasurer of state
17 more frequently than required by subsection (a). However, the number
18 of transfers does not affect the amount that is required to be transferred
19 for the purposes listed in subsection (a)(1) and (a)(2). Any amount
20 transferred during the month in excess of the amount required to be
21 transferred for the purposes listed in subsection (a)(1) and (a)(2) shall
22 be transferred to the ~~build Indiana fund~~ **state general fund**.

23 SECTION 4. IC 4-31-9-3 IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) At the close of each day on
25 which a permit holder or satellite facility operator conducts pari-mutuel
26 wagering on live racing or simulcasts at a racetrack or satellite facility,
27 the permit holder or satellite facility operator shall pay to the
28 department of state revenue a tax on the total amount of money
29 wagered on that day as follows:

30 (1) Two percent (2%) of the total amount of money wagered on
31 live races and simulcasts conducted at a permit holder's racetrack.

32 (2) Two and one-half percent (2.5%) of the total amount of money
33 wagered on simulcasts at satellite facilities, regardless of whether
34 those simulcasts originate from Indiana or another state.

35 (b) The taxes collected under subsection (a) shall be paid from the
36 amounts withheld under section 1 of this chapter and shall be
37 distributed as follows:

38 (1) The first one hundred fifty thousand dollars (\$150,000) of
39 taxes collected during each state fiscal year shall be deposited in
40 the veterinary school research account established by
41 IC 4-31-12-22.

42 (2) The remainder of the taxes collected during each state fiscal

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1 year shall be paid into the ~~lottery and gaming surplus account in~~
 2 ~~the build Indiana fund: state general fund.~~

3 (c) The tax imposed by this section is a listed tax for purposes of
 4 IC 6-8.1-1.

5 SECTION 5. IC 4-32-10-6 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. Before the last
 7 business day of January, April, July, and October, the department shall,
 8 upon approval of the budget agency, transfer the surplus revenue to the
 9 treasurer of state for deposit in the ~~lottery and gaming surplus account~~
 10 ~~in the build Indiana fund: state general fund.~~

11 SECTION 6. IC 4-33-13-5, AS AMENDED BY P.L.273-1999,
 12 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2002]: Sec. 5. After funds are appropriated under section 4 of
 14 this chapter, each month the treasurer of state shall distribute the tax
 15 revenue deposited in the state gaming fund under this chapter to the
 16 following:

17 (1) Twenty-five percent (25%) of the tax revenue remitted by
 18 each licensed owner shall be paid:

19 (A) to the city that is designated as the home dock of the
 20 riverboat from which the tax revenue was collected, in the case
 21 of a city described in IC 4-33-12-6(b)(1)(A);

22 (B) in equal shares to the counties described in IC 4-33-1-1(3),
 23 in the case of a riverboat whose home dock is on Patoka Lake;
 24 or

25 (C) to the county that is designated as the home dock of the
 26 riverboat from which the tax revenue was collected, in the case
 27 of a riverboat whose home dock is not in a city described in
 28 clause (A) or a county described in clause (B); and

29 (2) Seventy-five percent (75%) of the tax revenue remitted by
 30 each licensed owner shall be paid to the ~~build Indiana fund lottery~~
 31 ~~and gaming surplus account: state general fund.~~

32 SECTION 7. IC 4-34-2-1 IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2002]: Sec. 1. The Indiana technology fund is
 34 established. Money in the fund **for projects that have not been**
 35 **reviewed by the budget committee** at the end of a state biennium
 36 reverts to the ~~build Indiana fund, state and local capital projects~~
 37 ~~account (IC 4-30-17-3.5): state general fund.~~

38 SECTION 8. IC 6-6-5-9.5 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9.5. (a) Before the
 40 twentieth day of each month the bureau shall do the following:

41 (1) Determine the amount of excise taxes that would have been
 42 collected for each county for the preceding month based on the

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1 tax rate schedule that was in effect on January 1, 1995.

2 (2) Determine and report to the auditor of state the difference
3 between what was actually collected for each county for that
4 month and what would have been collected at the January 1,
5 1995, rates.

6 (b) For the months of January through November, the auditor of
7 state shall determine a monthly uniform disbursement percentage to be
8 applied in determining the amount of motor vehicle excise tax
9 replacement money to be disbursed to each county. The monthly
10 uniform disbursement percentage equals the quotient of the ~~sum of the~~
11 ~~amounts amount~~ transferred under ~~IC 4-30-17-3.5~~ ~~plus the amounts~~
12 ~~transferred under subsections (f) and (g)~~ **IC 6-6-5-9.6** to the motor
13 vehicle excise tax replacement account in the month of the bureau's
14 report divided by the sum of the total differences for all counties, as
15 determined under subsection (a) and identified in the bureau's report
16 for that month.

17 (c) For December, the auditor of state shall determine an annual
18 uniform disbursement percentage to be applied in determining the
19 amount of motor vehicle excise tax replacement money to be disbursed
20 to each county in December as an annual adjustment.

21 (d) The annual uniform disbursement percentage equals the quotient
22 of the sum of the amounts transferred under ~~IC 4-30-17-3.5~~ ~~plus the~~
23 ~~amounts transferred under subsections (f) and (g)~~ **IC 6-6-5-9.6** to the
24 motor vehicle excise tax replacement account in the months of January
25 through December divided by the sum of the total differences for all
26 counties, as determined under subsection (a) and identified in the
27 bureau's reports for the months of January through December.

28 (e) For the months of January through November, the auditor of
29 state shall distribute to the county the amount of the difference
30 determined under subsection (a) in the month of the bureau's report for
31 that county, multiplied by the monthly uniform disbursement
32 percentage for that month. For December, the auditor shall distribute
33 to the county the total difference in the bureau's reports determined
34 under subsection (a) in the months of January through December for
35 that county, multiplied by the annual uniform disbursement percentage,
36 less the amounts distributed to the county in January through
37 November. However, the total distribution to a county in a calendar
38 year may not exceed the total difference in the bureau's reports
39 determined under subsection (a) in the months of January through
40 December for that county in the year.

41 ~~(f) The transfers under this subsection are in addition to the transfers~~
42 ~~required under IC 4-30-17-3.5 and subsection (g). Before the~~

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1 twenty-fifth day of each month, the auditor of state shall transfer from
 2 the state general fund to the state general fund motor vehicle excise tax
 3 replacement account the following:

4 (1) In calendar year 1996, nine million four hundred fifty-one
 5 thousand one hundred eighty-five dollars (\$9,451,185).

6 (2) In calendar year 1997, seven million two hundred seventy-six
 7 thousand three hundred seventy-seven dollars (\$7,276,377).

8 (3) In calendar year 1998, five million one hundred eight
 9 thousand fourteen dollars (\$5,108,014).

10 (4) In calendar year 1999, two million seven hundred seventy-five
 11 thousand six hundred nine dollars (\$2,775,609).

12 (5) In calendar year 2000, three hundred seventy-four thousand
 13 six hundred seven dollars (\$374,607).

14 (6) In calendar year 2001 and thereafter, sixteen thousand nine
 15 hundred seventy-four dollars (\$16,974).

16 The transfers required under this subsection are annually appropriated
 17 from the state general fund:

18 (g) This subsection applies only after December 31, 1995, and
 19 applies only if insufficient money is available in the lottery and gaming
 20 surplus account of the build Indiana fund to make the distributions to
 21 the state general fund motor vehicle excise tax replacement account
 22 that are required under IC 4-30-17-3.5. Before the twenty-fifth day of
 23 each month, the auditor of state shall transfer from the state general
 24 fund to the state general fund motor vehicle excise tax replacement
 25 account the difference between:

26 (1) the amount that IC 4-30-17-3.5 requires the auditor of state to
 27 distribute from the lottery and gaming surplus account of the
 28 build Indiana fund to the state general fund motor vehicle excise
 29 tax replacement account; and

30 (2) the amount that is available under IC 4-30-17-3.5 for
 31 distribution from the lottery and gaming surplus account in the
 32 build Indiana fund to the state general fund motor vehicle excise
 33 tax replacement account.

34 The transfers required under this subsection are annually appropriated
 35 from the state general fund:

36 (h) Any money remaining in the motor vehicle excise tax
 37 replacement account after the last county distribution in December
 38 shall be transferred to the build Indiana fund state and local capital
 39 projects account established under IC 4-30-17-3.5. The auditor of state
 40 shall make the distribution before the end of the month the auditor
 41 receives the bureau's report.

42 (i) (f) The money needed for the distribution shall be withdrawn

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1 from the motor vehicle excise tax replacement account. There is
 2 appropriated from the state general fund motor vehicle excise tax
 3 replacement account, the amount needed to make the distributions
 4 required by this section.

5 (j) (g) Distributions made under this section are considered motor
 6 vehicle excise taxes for purposes of allocating revenue among taxing
 7 units under this chapter.

8 SECTION 9. IC 6-6-5-9.6 IS ADDED TO THE INDIANA CODE
 9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 10 1, 2002]: **Sec. 9.6. (a) There is appropriated each month from the**
 11 **state general fund to the motor vehicle excise tax replacement**
 12 **account in the state general fund nineteen million seven hundred**
 13 **one thousand three hundred forty-four dollars (\$19,701,344).**

14 **(b) Before the twenty-fifth day of each month, the auditor of**
 15 **state shall transfer from the state general fund to the state general**
 16 **fund motor vehicle excise tax replacement account nineteen million**
 17 **seven hundred one thousand three hundred forty-four dollars**
 18 **(\$19,701,344).**

19 SECTION 10. IC 4-30-17 IS REPEALED [EFFECTIVE JUNE 30,
 20 2005].

21 SECTION 11. [EFFECTIVE JUNE 30, 2002] **(a) For purposes of**
 22 **this SECTION, the balance of the build Indiana fund is determined**
 23 **using the following computation:**

24 **STEP ONE: Determine the total amount of money in the build**
 25 **Indiana fund on June 30, 2002.**

26 **STEP TWO: Determine the amount of money in the fund for**
 27 **a particular project for which:**

- 28 **(A) the budget committee has made a favorable review;**
 29 **(B) the money has been allotted by the budget agency; and**
 30 **(C) the money has not been paid to the recipient.**

31 **STEP THREE: Subtract the amount determined in STEP**
 32 **TWO from the amount determined in STEP ONE.**

33 **(b) Notwithstanding IC 4-30-17-3, the balance of the build**
 34 **Indiana fund on June 30, 2002, is transferred to the state general**
 35 **fund on July 1, 2002.**

36 **(c) This SECTION expires June 30, 2003.**

37 SECTION 12. [EFFECTIVE JUNE 30, 2002] **(a) Notwithstanding**
 38 **IC 4-34-2-1, money in the Indiana technology fund on June 30,**
 39 **2002, for projects that have not been reviewed by the budget**
 40 **committee reverts to the state general fund on June 30, 2002.**

41 **(b) This SECTION expires June 30, 2003.**

42 SECTION 13. [EFFECTIVE JUNE 30, 2005] **(a) Appropriations**

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1 **from the build Indiana fund that:**
2 **(1) have not been favorably reviewed by the budget**
3 **committee; or**
4 **(2) have been reviewed but not fully paid to the designated**
5 **recipient;**
6 **before July 1, 2005, are canceled.**
7 **(b) This SECTION expires June 30, 2006.**

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