

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1845 be amended to read as follows:

- 1 Page 8, between lines 23 and 24, begin a new paragraph and insert:
- 2 "SECTION 2. IC 4-10-18-1 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JUNE 15, 2005]: Sec. 1. As used in this
- 4 chapter:
- 5 "Adjusted personal income" for a particular calendar year means the
- 6 adjusted state personal income for that year as determined under section
- 7 3(b) of this chapter.
- 8 "Annual growth rate" for a particular calendar year means the
- 9 percentage change in adjusted personal income for the particular
- 10 calendar year as determined under section 3(c) of this chapter.
- 11 "Budget director" refers to the director of the budget agency
- 12 established under IC 4-12-1.
- 13 "Costs" means the cost of construction, equipment, land, property
- 14 rights (including leasehold interests), easements, franchises, leases,
- 15 financing charges, interest costs during and for a reasonable period after
- 16 construction, architectural, engineering, legal, and other consulting or
- 17 advisory services, plans, specifications, surveys, cost estimates, and
- 18 other costs or expenses necessary or incident to the acquisition,
- 19 development, construction, financing, and operating of an economic
- 20 growth initiative.
- 21 "Current calendar year" means a calendar year during which a
- 22 transfer to or from the fund is initially determined under sections 4 and
- 23 5 of this chapter.
- 24 "Economic growth initiative" means:
- 25 (1) the construction, extension, or completion of sewerlines,

- 1 waterlines, streets, sidewalks, bridges, roads, highways, public
 2 ways, and any other infrastructure improvements;
 3 (2) the leasing or purchase of land and any site improvements to
 4 land;
 5 (3) the construction, leasing, or purchase of buildings or other
 6 structures;
 7 (4) the rehabilitation, renovation, or enlargement of buildings or
 8 other structures;
 9 (5) the leasing or purchase of machinery, equipment, or
 10 furnishings; or
 11 (6) the training or retraining of employees whose jobs will be
 12 created or retained as a result of the initiative.

13 "Fund" means the counter-cyclical revenue and economic
 14 stabilization fund established under this chapter.

15 "General fund revenue" means all general purpose tax revenue and
 16 other unrestricted general purpose revenue of the state, including
 17 federal revenue sharing monies, credited to the:

- 18 (1) state general fund; **or**
 19 (2) **property tax replacement fund;**

20 and from which appropriations may be made. The term "general fund
 21 revenue" does not include revenue held in the reserve for tuition
 22 support under IC 4-12-1-12.

23 "Implicit price deflator for the gross national product" means the
 24 implicit price deflator for the gross national product, or its closest
 25 equivalent, which is available from the United States Bureau of
 26 Economic Analysis.

27 "Political subdivision" has the meaning set forth in IC 36-1-2-13.

28 "Qualified economic growth initiative" means an economic growth
 29 initiative that is:

- 30 (1) proposed by or on behalf of a political subdivision to promote
 31 economic growth, including the creation or retention of jobs or the
 32 infrastructure necessary to create or retain jobs;
 33 (2) supported by a financing plan by or on behalf of the political
 34 subdivision in an amount at least equal to the proposed amount of
 35 the grant under section 15 of this chapter; and
 36 (3) estimated to cost not less than twelve million five hundred
 37 thousand dollars (\$12,500,000).

38 "State personal income" means state personal income as that term is
 39 defined by the Bureau of Economic Analysis of the United States
 40 Department of Commerce or its successor agency.

41 "Total state general fund revenue" for a particular state fiscal year
 42 means the amount of that revenue for the particular state fiscal year as
 43 finally determined by the auditor of state.

44 "Transfer payments" means transfer payments as that term is defined
 45 by the Bureau of Economic Analysis of the United States Department
 46 of Commerce or its successor agency.

47 SECTION 3. IC 4-10-18-4 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) If the annual
 2 growth rate for the calendar year preceding the current calendar year
 3 exceeds two percent (2%), there is appropriated to the fund from the
 4 state general fund, for the state fiscal year beginning in the current
 5 calendar year, an amount equal to the product of:

6 (1) the total state general fund revenues for the state fiscal year
 7 ending in the current calendar year; multiplied by

8 (2) the remainder of:

9 (A) the annual growth rate for the calendar year preceding the
 10 current calendar year; minus

11 (B) two percent (2%).

12 (b) If the annual growth rate for the calendar year immediately
 13 preceding the current calendar year is less than a negative two percent
 14 (-2%), there is appropriated from the fund to the state general fund **and**
 15 **the property tax replacement fund**, for the state fiscal year beginning
 16 in the current calendar year, an amount equal to the product of:

17 (1) the total state general fund revenues for the state fiscal year
 18 ending in the current calendar year; multiplied by

19 (2) negative one (-1); and further multiplied by

20 (3) the remainder of:

21 (A) the annual growth rate for the calendar year preceding the
 22 current calendar year; minus

23 (B) negative two percent (-2%).

24 **The amount appropriated to each fund is proportional to the**
 25 **amount needed to balance each fund as described in section 9 of**
 26 **this chapter.**

27 SECTION 4. IC 4-10-18-5 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) As soon as the
 29 auditor of state makes a final determination of the amount of total state
 30 general fund revenues for a particular state fiscal year, ~~he~~ **the auditor**
 31 shall certify that amount to the budget director.

32 (b) As soon as possible after receiving the certification from the
 33 auditor of state under subsection (a), the budget director shall determine
 34 the amount, if any, that is appropriated into or out of the fund under
 35 section 4 of this chapter. If an appropriation is made into the fund under
 36 section 4 of this chapter, the budget director shall immediately certify
 37 that amount to the treasurer of state. If an appropriation is made out of
 38 the fund under section 4 of this chapter, the budget director shall certify
 39 to the treasurer of state an amount equal to the part of the appropriation,
 40 if any, by which the general fund general operating budget **and the**
 41 **noncapital budget payable from the property tax replacement fund**
 42 for the state fiscal year for which the appropriation is made, exceeds the
 43 budget director's estimate of the total general fund revenues for that
 44 same state fiscal year. The budget director shall make the certification
 45 or certifications of money to be transferred out of the fund at the time
 46 or times that ~~he~~ **the budget director** determines the general fund
 47 general operating budget **and the noncapital budget payable from the**

1 **property tax replacement fund** would exceed the total estimated state
2 general fund revenues.

3 (c) Immediately upon receiving a certification from the budget
4 director under subsection (b), the auditor of state and treasurer of state
5 shall make the appropriate transfer into or out of the fund.

6 (d) Any amount, which is appropriated out of the fund under section
7 4 of this chapter, but which has not been transferred out of the fund
8 under this section at the end of the state fiscal year for which the
9 appropriation is made, shall revert to the fund.

10 SECTION 5. IC 4-10-18-8 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JUNE 15, 2005]: Sec. 8. (a) Except as
12 provided in subsection (b), if the balance, at the end of a state fiscal
13 year, in the fund exceeds ~~seven~~ **ten** percent (~~7%~~) **(10%)** of the total
14 state general fund revenues for that state fiscal year, the excess is
15 appropriated from the fund to the property tax replacement fund
16 established under IC 6-1.1-21. The auditor of state and the treasurer of
17 state shall transfer the amount so appropriated from the fund to the
18 property tax replacement fund during the immediately following state
19 fiscal year.

20 (b) If an appropriation is made out of the fund under section 4 of this
21 chapter for a state fiscal year during which a transfer is to be made from
22 the fund to the property tax replacement fund, the amount of the
23 appropriation made under subsection (a) shall be reduced by the amount
24 of the appropriation made under section 4 of this chapter. However, the
25 amount of the appropriation made under subsection (a) may not be
26 reduced to less than zero (0).

27 SECTION 6. IC 4-10-18-9 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. If the total state
29 general fund revenues for a state fiscal year, in which a transfer into the
30 fund is made, are less than the level estimated in the budget report
31 prepared in accord with IC 4-12-1-12(a) or (c) and the shortfall cannot
32 be attributed to a statutory change in the tax rate, the tax base, the fee
33 schedules, or the revenue sources from which the general fund revenue
34 estimate was made, there is appropriated from the fund to the state
35 general fund an amount that may not exceed the lesser of the following
36 two (2) amounts:

37 (1) the amount that was transferred into the fund during that state
38 fiscal year; or

39 (2) the amount necessary to balance the general fund general
40 operating budget **and the noncapital budget payable from the**
41 **property tax replacement fund** for that state fiscal year."

42 Page 13, between lines 18 and 19, begin a new paragraph and insert:
43 "SECTION 16. [EFFECTIVE JUNE 15, 2005] **(a) IC 4-10-18-1, as**
44 **amended by this act, applies to deposits in the counter-cyclical**
45 **revenue and economic stabilization fund made after June 14, 2005.**

46 **(b) IC 4-10-18-4, IC 4-10-18-5, and IC 4-10-18-9, all as amended**
47 **by this act, apply only to distributions from the counter-cyclical**

1 **revenue and economic stabilization fund after June 30, 2005.**
2 SECTION 17. [EFFECTIVE JUNE 15, 2005] **IC 4-10-18-8, as**
3 **amended by this act, applies to state fiscal years ending after June**
4 **30, 2005.**
5 SECTION 18. **An emergency is declared for this act."**
6 Renumber all SECTIONS consecutively.
(Reference is to HB 1845 as printed February 22, 2005.)

Representative Welch