

# COMMITTEE REPORT

## MADAM PRESIDENT:

**The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill No. 14, 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:**

- 1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 8-14-14-5, AS ADDED BY P.L.47-2006,  
4 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2007]: Sec. 5. (a) The major moves construction fund is  
6 established for the purpose of:  
7           (1) funding projects, **other than passenger or freight railroad**  
8           **systems as described in IC 8-15.7-2-14(4)**, under IC 8-15.7 or  
9           IC 8-15-3.  
10           (2) funding other projects in the department's transportation plan;  
11           and  
12           (3) funding distributions under sections 6 and 7 of this chapter.  
13           (b) The fund shall be administered by the department.  
14           (c) Notwithstanding IC 5-13, the treasurer of state shall invest the  
15 money in the fund not currently needed to meet the obligations of the  
16 fund in the same manner as money is invested by the public employees'  
17 retirement fund under IC 5-10.3-5. However, the treasurer of state may  
18 not invest the money in the fund in equity securities. The treasurer of  
19 state may contract with investment management professionals,  
20 investment advisors, and legal counsel to assist in the investment of the

1 fund and may pay the state expenses incurred under those contracts  
 2 from the fund. Interest that accrues from these investments shall be  
 3 deposited in the fund.

4 (d) The fund consists of the following:

5 (1) Distributions to the fund from the toll road fund under  
 6 IC 8-15.5-11.

7 (2) Distributions to the fund from the next generation trust fund  
 8 under IC 8-14-15.

9 (3) Appropriations to the fund.

10 (4) Gifts, grants, loans, bond proceeds, and other money received  
 11 for deposit in the fund.

12 (5) Revenues arising from:

13 (A) a tollway under IC 8-15-3 or IC 8-23-7-22; or

14 (B) a toll road under IC 8-15-2 or IC 8-23-7-23;

15 that the department designates as part of, and deposits in, the  
 16 fund.

17 (6) Payments, **other than payments for passenger or freight**  
 18 **railroad systems as described in IC 8-15.7-2-14(4)**, made to the  
 19 authority or the department from operators under IC 8-15.7.

20 (7) Interest, premiums, or other earnings on the fund.

21 (e) The fund is considered a trust fund for purposes of IC 4-9.1-1-7.  
 22 Money may not be transferred, assigned, or otherwise removed from  
 23 the fund by the state board of finance, the budget agency, or any other  
 24 state agency.

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

27 (g) Money in the fund must be appropriated by the general assembly  
 28 to be available for expenditure.

29 SECTION 2. IC 8-14-14-7, AS ADDED BY P.L.47-2006,  
 30 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2007]: Sec. 7. (a) In addition to any distributions required by  
 32 section 6 of this chapter, money in the fund may be used for any of the  
 33 following purposes:

34 (1) **Except as provided in subsection (b)**, the payment of any  
 35 obligation incurred or amounts owed by the authority, the  
 36 department, or an operator under IC 8-15-2, IC 8-15-3, IC 8-15.5,  
 37 or IC 8-15.7 in connection with the execution and performance of  
 38 a public-private agreement under IC 8-15.5 or IC 8-15.7,

- 1 including establishing reserves.
- 2 (2) Lease payments to the authority, if money for those payments
- 3 is specifically appropriated by the general assembly.
- 4 (3) Distributions to the treasurer of state for deposit in the state
- 5 highway fund, for the funding of any project in the department's
- 6 transportation plan.

7 **(b) Money in the fund may not be used for the payment of an**

8 **obligation incurred or amounts owed by the authority, the**

9 **department, or an operator under IC 8-15.7 in connection with a**

10 **public-private agreement under IC 8-15.7 concerning a passenger**

11 **or freight railroad system as described in IC 8-15.7-2-14(4).**

12 SECTION 3. IC 8-14-17 IS ADDED TO THE INDIANA CODE AS

13 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY

14 1, 2007]:

15 **Chapter 17. Alternative Transportation Construction Fund**

16 **Sec. 1. As used in this chapter, "authority" refers to the Indiana**

17 **finance authority established by IC 4-4-11-4.**

18 **Sec. 2. As used in this chapter, "department" refers to the**

19 **Indiana department of transportation.**

20 **Sec. 3. As used in this chapter, "fund" refers to the alternative**

21 **transportation construction fund established by section 4 of this**

22 **chapter.**

23 **Sec. 4. (a) The alternative transportation construction fund is**

24 **established for the purpose of:**

- 25 **(1) funding projects under IC 8-15.7 for passenger and freight**
- 26 **railroad systems as described in IC 8-15.7-2-14(4); and**
- 27 **(2) funding distributions under section 5 of this chapter.**

28 **(b) The fund shall be administered by the department.**

29 **(c) Notwithstanding IC 5-13, the treasurer of state shall invest**

30 **the money in the fund not currently needed to meet the obligations**

31 **of the fund in the same manner as money is invested by the public**

32 **employees' retirement fund under IC 5-10.3-5. However, the**

33 **treasurer of state may not invest the money in the fund in equity**

34 **securities. The treasurer of state may contract with investment**

35 **management professionals, investment advisers, and legal counsel**

36 **to assist in the investment of the fund and may pay the state**

37 **expenses incurred under those contracts from the fund. Interest**

38 **that accrues from these investments shall be deposited in the fund.**

- 1           **(d) The fund consists of the following:**
- 2           **(1) Appropriations to the fund.**
- 3           **(2) Gifts, grants, loans, bond proceeds, and other money**
- 4           **received for deposit in the fund.**
- 5           **(3) Payments made to the authority or the department from**
- 6           **operators under IC 8-15.7 concerning passenger and freight**
- 7           **railroad systems as described in IC 8-15.7-2-14(4).**
- 8           **(4) Interest, premiums, or other earnings on the fund.**
- 9           **(e) The fund is considered a trust fund for purposes of**
- 10          **IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise**
- 11          **removed from the fund by the state board of finance, the budget**
- 12          **agency, or any other state agency.**
- 13          **(f) Money in the fund at the end of a state fiscal year does not**
- 14          **revert to the state general fund.**
- 15          **(g) Money in the fund must be appropriated by the general**
- 16          **assembly to be available for expenditure.**

17          **Sec. 5. Money in the fund may be used for any of the following**  
 18          **purposes:**

- 19           **(1) The payment of any obligation incurred or amounts owed**
- 20           **by the authority, the department, or an operator under**
- 21           **IC 8-15.7 in connection with the execution and performance**
- 22           **of a public-private agreement under IC 8-15.7 for a passenger**
- 23           **or freight railroad system as described in IC 8-15.7-2-14(4).**
- 24           **(2) Lease payments to the authority, if money for those**
- 25           **payments is specifically appropriated by the general**
- 26           **assembly."**

27          Page 2, line 15, after "14." insert "(a)".

28          Page 2, after line 42, begin a new paragraph and insert:

29          **"(b) The term does not include a passenger railroad system that**  
 30          **is operated by a commuter transportation district established**  
 31          **under IC 8-5-15.**

32          SECTION 6. IC 8-15.7-5-5, AS ADDED BY P.L.47-2006,  
 33          SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34          JULY 1, 2007]: Sec. 5. To the extent that the department receives any  
 35          payment or compensation under the public-private agreement other  
 36          than repayment of a loan or grant or reimbursement for services  
 37          provided by the department to the operator, the payment or  
 38          compensation shall be distributed at the direction of the department to

1       the:  
2           (1) major moves construction fund established under IC 8-14-14;  
3           (2) department for deposit in the state highway fund established  
4           by IC 8-23-9-54; or  
5           **(3) alternative transportation construction fund established**  
6           **under IC 8-14-17; or**  
7           ~~(3)~~ **(4)** operator or the authority for debt reduction."  
8       Renumber all SECTIONS consecutively.  
      (Reference is to SB 14 as introduced.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 10, Nays 0.

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**Riegsecker**

**Chairperson**