

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1149 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 5-10-8-8.5, AS ADDED BY P.L.182-2009(ss),
4 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2012]: Sec. 8.5. (a) The retiree health benefit trust fund is
6 established to provide funding for a retiree health benefit plan
7 developed under IC 5-10-8.5.
8 (b) The trust fund shall be administered by the budget agency. The
9 expenses of administering the trust fund shall be paid from money in
10 the trust fund. The trust fund consists of ~~cigarette tax revenues~~
11 ~~deposited in the fund under IC 6-7-1-28.1(7)~~ and other appropriations,
12 revenues, or transfers to the trust fund under IC 4-12-1.
13 (c) The treasurer of state shall invest the money in the trust fund not
14 currently needed to meet the obligations of the trust fund in the same
15 manner as other public money may be invested.
16 (d) The trust fund is considered a trust fund for purposes of
17 IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise
18 removed from the trust fund by the state board of finance, the budget
19 agency, or any other state agency.
20 (e) The trust fund shall be established and administered in a manner
21 that complies with Internal Revenue Code requirements concerning
22 health reimbursement arrangement (HRA) trusts. Contributions by the
23 state to the trust fund are irrevocable. All assets held in the trust fund
24 must be held for the exclusive benefit of participants of the retiree
25 health benefit plan developed under IC 5-10-8.5 and their beneficiaries.
26 All assets in the trust fund:
27 (1) are dedicated exclusively to providing benefits to participants
28 of the plan and their beneficiaries according to the terms of the
29 plan; and
30 (2) are exempt from levy, sale, garnishment, attachment, or other

- 1 legal process.
- 2 (f) Money in the trust fund does not revert to the state general fund
3 at the end of any state fiscal year.
- 4 (g) The money in the trust fund is appropriated to the budget agency
5 for providing the retiree health benefit plan developed under
6 IC 5-10-8.5.
- 7 SECTION 2. IC 6-7-1-28.1, AS AMENDED BY P.L.229-2011,
8 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2012]: Sec. 28.1. The taxes, registration fees, fines, or
10 penalties collected under this chapter shall be deposited in the
11 following manner:
- 12 (1) ~~Four Six and twenty-two hundredths six-tenths~~ percent
13 ~~(4.22%)~~ **(6.6%)** of the money shall be deposited in a fund to be
14 known as the cigarette tax fund.
- 15 (2) ~~Six-tenths Ninety-four hundredths~~ percent ~~(0.6%)~~ **(0.94%)**
16 of the money shall be deposited in a fund to be known as the
17 mental health centers fund.
- 18 (3) ~~The following amount~~ **Eighty-three and ninety-seven**
19 **hundredths percent (83.97%)** of the money shall be deposited
20 in the state general fund.
- 21 (A) ~~After June 30, 2011, and before July 1, 2013, sixty and~~
22 ~~twenty-four hundredths percent (60.24%).~~
- 23 (B) ~~After June 30, 2013, fifty-four and five-tenths percent~~
24 ~~(54.5%).~~
- 25 (4) ~~Five Eight and forty-three~~ **forty-nine** hundredths percent
26 ~~(5.43%)~~ **(8.49%)** of the money shall be deposited into the pension
27 relief fund established in IC 5-10.3-11.
- 28 (5) ~~Twenty-seven and five hundredths~~ percent ~~(27.05%)~~ of the
29 money shall be deposited in the Indiana check-up plan trust fund
30 established by IC ~~12-15-44.2-17.~~
- 31 (6) ~~Two and forty-six hundredths~~ percent ~~(2.46%)~~ of the money
32 shall be deposited in the state general fund for the purpose of
33 paying appropriations for Medicaid—Current Obligations; for
34 provider reimbursements.
- 35 (7) ~~The following amount of the money shall be deposited in the~~
36 ~~state retiree health benefit trust fund established by IC 5-10-8-8.5~~
37 ~~as follows:~~
- 38 (A) ~~Before July 1, 2011, five and seventy-four hundredths~~
39 ~~percent (5.74%).~~
- 40 (B) ~~After June 30, 2011, and before July 1, 2013, zero percent~~
41 ~~(0%).~~
- 42 (C) ~~After June 30, 2013, five and seventy-four hundredths~~
43 ~~percent (5.74%).~~
- 44 The money in the cigarette tax fund, the mental health centers fund, ~~the~~
45 ~~Indiana check-up plan trust fund;~~ or the pension relief fund at the end
46 of a fiscal year does not revert to the state general fund. However, if in

1 any fiscal year, the amount allocated to a fund under subdivision (1) or
 2 (2) is less than the amount received in fiscal year 1977, then that fund
 3 shall be credited with the difference between the amount allocated and
 4 the amount received in fiscal year 1977, and the allocation for the fiscal
 5 year to the fund under subdivision (3) shall be reduced by the amount
 6 of that difference. ~~Money deposited under subdivisions (6) through (7)~~
 7 ~~may not be used for any purpose other than the purpose stated in the~~
 8 ~~subdivision."~~.

9 Page 7, between lines 15 and 16, begin a new paragraph and insert:
 10 "SECTION 5. IC 12-15-44.2-17, AS ADDED BY P.L.3-2008,
 11 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2012]: Sec. 17. (a) The Indiana check-up plan trust fund is
 13 established for the following purposes:

14 (1) Administering a plan created by the general assembly to
 15 provide health insurance coverage for low income residents of
 16 Indiana under this chapter.

17 (2) Providing copayments, preventative care services, and
 18 premiums for individuals enrolled in the plan.

19 (3) Funding tobacco use prevention and cessation programs,
 20 childhood immunization programs, and other health care
 21 initiatives designed to promote the general health and well being
 22 of Indiana residents.

23 The fund is separate from the state general fund.

24 (b) The fund shall be administered by the office of the secretary of
 25 family and social services.

26 (c) The expenses of administering the fund shall be paid from
 27 money in the fund.

28 (d) The fund shall consist of the following:

29 ~~(1) Cigarette tax revenues designated by the general assembly to~~
 30 ~~be part of the fund.~~

31 ~~(2) Other (1) Funds designated by the general assembly to be part~~
 32 ~~of the fund.~~

33 ~~(3) (2) Federal funds available for the purposes of the fund.~~

34 ~~(4) (3) Gifts or donations to the fund.~~

35 (e) The treasurer of state shall invest the money in the fund not
 36 currently needed to meet the obligations of the fund in the same
 37 manner as other public money may be invested.

38 (f) Money must be appropriated before funds are available for use.

39 (g) Money in the fund does not revert to the state general fund at the
 40 end of any fiscal year.

41 (h) The fund is considered a trust fund for purposes of IC 4-9.1-1-7.
 42 Money may not be transferred, assigned, or otherwise removed from
 43 the fund by the state board of finance, the budget agency, or any other
 44 state agency."

45 Renumber all SECTIONS consecutively.

(Reference is to HB 1149 as printed February 24, 2012.)

Senator LEISING