



January 27, 2000

# HOUSE BILL No. 1373

DIGEST OF HB 1373 (Updated January 26, 2000 12:33 PM - DI 58)

**Citations Affected:** IC 4-30; IC 5-11; noncode.

**Synopsis:** Build Indiana fund and state office buildings. Provides that townships and private nonprofit entities are eligible applicants for purposes of projects to be funded from the state and local capital projects account of the build Indiana fund. Repeals the statute establishing the Indiana capital projects review committee and other statutes setting forth the committee's powers and procedures. Eliminates the definition of a capital project. Provides that a disbursement of a nongovernmental entity that is derived from the state and local capital projects account of the build Indiana fund after January 1, 1998, may not be included in calculating the amount of public funds received by the entity for purposes of determining the extent of a state board of accounts audit of the entity. Provides for bonding authority to the state office building commission for a judicial/legislative building. Makes conforming amendments.

**Effective:** Upon passage; July 1, 2000.

**Bauer**

January 11, 2000, read first time and referred to Committee on Ways and Means.  
January 26, 2000, amended, reported — Do Pass.

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HB 1373—LS 7164/DI 44+



January 27, 2000

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

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## HOUSE BILL No. 1373



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

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

- 1 SECTION 1. IC 4-30-17-2 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 2. As used in this
- 3 chapter, "eligible applicant" means the following:
- 4 (1) Any entity with the authority to impose ad valorem property
- 5 taxes, ~~except townships~~, including counties, cities, towns,
- 6 **townships**, special taxing districts, school corporations, and any
- 7 other entity that is granted by statute or ordinance a right to
- 8 impose user fees or charges (referred to as political subdivisions
- 9 in this chapter) as long as the application is signed by the
- 10 executive of the political subdivision.
- 11 (2) The state, as long as the application is signed by the governor.
- 12 (3) State funded institutions of higher education, as long as the
- 13 application is approved by the ~~higher education~~ commission **for**
- 14 **higher education**.
- 15 (4) **A private nonprofit entity.**
- 16 SECTION 2. IC 4-30-17-4.1 IS AMENDED TO READ AS
- 17 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4.1. (a) Money required

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1 to be credited to the state and local capital projects account may be  
 2 used only **by eligible applicants** for state and local capital projects or  
 3 for deposit in a revolving loan fund that may only be used **by eligible**  
 4 **applicants** for capital projects. ~~Capital projects include the~~  
 5 ~~construction of airports, airport facilities, and local street and road~~  
 6 ~~projects.~~ A state project is a capital project that is proposed by the state  
 7 or the ~~higher education~~ commission **for higher education**. A local  
 8 project is a capital project proposed by a political subdivision **or a**  
 9 **private nonprofit entity**. An airport development project that is  
 10 eligible for a grant or loan under IC 8-21-11 is a local capital project.

11 ~~(d)~~ **(b)** The money required to be credited to the state and local  
 12 capital projects account must be used to promote the maximum use of  
 13 other funds for capital projects, including using local matching  
 14 requirements, the consideration of various kinds of credit  
 15 enhancements, and the remarketing of debt issues secured by money in  
 16 the state and local capital projects account.

17 SECTION 3. IC 5-11-1-9, AS AMENDED BY P.L.50-1999,  
 18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 UPON PASSAGE]: Sec. 9. (a) The state examiner, personally or  
 20 through the deputy examiners, field examiners, or private examiners,  
 21 shall examine all accounts and all financial affairs of every public  
 22 office and officer, state office, state institution, and entity.

23 (b) An examination of an entity deriving:

24 (1) less than fifty percent (50%); or

25 (2) at least fifty percent (50%) but less than one hundred thousand  
 26 dollars (\$100,000) if the entity is organized as a not-for-profit  
 27 corporation;

28 of its disbursements, during the period of time subject to an  
 29 examination from appropriations, public funds, taxes, and other sources  
 30 of public expense shall be limited to matters relevant to the use of the  
 31 public money received by the entity. **A disbursement of an entity that**  
 32 **is derived from the state and local capital projects account of the**  
 33 **build Indiana fund under IC 4-30-17-4.1 after January 1, 1998,**  
 34 **must not be included in calculating the amounts under subdivisions**  
 35 **(1) and (2).**

36 (c) The examination of an entity described in subsection (b) may be  
 37 waived or deferred by the state examiner if the state examiner  
 38 determines in writing that all disbursements of public money during the  
 39 period subject to examination were made for the purposes for which the  
 40 money was received.

41 (d) On every examination under this section, inquiry shall be made  
 42 as to the following:



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- 1 (1) The financial condition and resources of each municipality,
- 2 office, institution, or entity.
- 3 (2) Whether the laws of the state and the uniform compliance
- 4 guidelines of the state board of accounts established under section
- 5 24 of this chapter have been complied with.
- 6 (3) The methods and accuracy of the accounts and reports of the
- 7 person examined.

8 The examinations shall be made without notice.

9 (e) If during an examination of a state office under this chapter the  
10 examiner encounters an inefficiency in the operation of the state office,  
11 the examiner may comment on the inefficiency in the examiner's report.

12 (f) The state examiner, deputy examiners, any field examiner, or any  
13 private examiner, when engaged in making any examination or when  
14 engaged in any official duty devolved upon them by the state examiner,  
15 is entitled to do the following:

- 16 (1) Enter into any state, county, city, township, or other public
- 17 office in this state, or any entity, agency, or instrumentality, and
- 18 examine any books, papers, documents, or electronically stored
- 19 information for the purpose of making an examination.
- 20 (2) Have access, in the presence of the custodian or the
- 21 custodian's deputy, to the cash drawers and cash in the custody of
- 22 the officer.
- 23 (3) During business hours, examine the public accounts in any
- 24 depository that has public funds in its custody pursuant to the
- 25 laws of this state.

26 (g) The state examiner, deputy examiner, or any field examiner,  
27 when engaged in making any examination authorized by law, may issue  
28 subpoenas for witnesses to appear before the examiner in person or to  
29 produce books, papers, or other records (including records stored in  
30 electronic data processing systems) for inspection and examination.  
31 The state examiner, deputy examiner, and any field examiner may  
32 administer oaths and examine witnesses under oath orally or by  
33 interrogatories concerning the matters under investigation and  
34 examination. Under the authority of the state examiner, the oral  
35 examinations may be transcribed with the reasonable expense paid by  
36 the examined person in the same manner as the compensation of the  
37 field examiner is paid. The subpoenas shall be served by any person  
38 authorized to serve civil process from any court in this state. If a  
39 witness duly subpoenaed refuses to attend, refuses to produce  
40 information required in the subpoena, or attends and refuses to be  
41 sworn or affirmed, or to testify when called upon to do so, the examiner  
42 may apply to the circuit court having jurisdiction of the witness for the

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1 enforcement of attendance and answers to questions as provided by the  
2 law governing the taking of depositions.

3 SECTION 4. THE FOLLOWING ARE REPEALED [EFFECTIVE  
4 JULY 1, 2000]: IC 4-30-17-1; IC 4-30-17-5; IC 4-30-17-6;  
5 IC 4-30-17-7; IC 4-30-17-8; IC 4-30-17-9.

6 SECTION 5. [EFFECTIVE JULY 1, 2000] **The general assembly  
7 finds that the state needs the construction of a judicial/legislative  
8 facility and that the state will have a continuing need for the use  
9 and occupancy of the facility. The general assembly authorizes the  
10 state office building commission to provide the facility under  
11 IC 4-13.5-1 and IC 4-13-.5-4, including the borrowing of money or  
12 the issuance and sale of bonds, or both, under IC 4-13.5-4, subject  
13 to the approval of the budget agency after review by the budget  
14 committee.**

15 SECTION 6. **An emergency is declared for this act.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1373, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 4, strike "Capital projects include the".

Page 2, strike line 5.

Page 2, line 6, strike "projects.".

Page 4, between lines 5 and 6, begin a new paragraph and insert:

**"SECTION 5. [EFFECTIVE JULY 1, 2000] The general assembly finds that the state needs the construction of a judicial/legislative facility and that the state will have a continuing need for the use and occupancy of the facility. The general assembly authorizes the state office building commission to provide the facility under IC 4-13.5-1 and IC 4-13-.5-4, including the borrowing of money or the issuance and sale of bonds, or both, under IC 4-13.5-4, subject to the approval of the budget agency after review by the budget committee."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1373 as introduced.)

BAUER, Chair

Committee Vote: yeas 21, nays 1.

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