
HOUSE BILL No. 1373

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-30-17; IC 5-11-1-9.

Synopsis: Build Indiana fund. 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. 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. Makes conforming amendments.

Effective: Upon passage; July 1, 2000.

Bauer

January 11, 2000, read first time and referred to Committee on Ways and Means.

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Introduced

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



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. **An emergency is declared for this act.**

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