

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1343 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning state
- 3 administration.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 4-12-1-2 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JUNE 30, 2011]: Sec. 2. As used in this
- 8 chapter unless a different meaning appears from the context:
- 9 (a) (1) The word "committee" means the budget committee.
- 10 (b) (2) The word "director" or the term "budget director" means
- 11 the person who is director of the budget agency.
- 12 (c) (3) The term "appointing authority" means the head of an
- 13 agency of the state.
- 14 (d) (4) The terms "agency of the state" or "agencies of the state"
- 15 or "state agency" or "state agencies" mean and include every
- 16 office, officer, board, commission, department, division, bureau,
- 17 committee, fund, agency, and, without limitation by reason of any
- 18 enumeration herein, every other instrumentality of the state of
- 19 Indiana, now existing or which may be created hereafter; every
- 20 hospital, every penal institution, and every other institutional
- 21 enterprise and activity of the state of Indiana, wherever located;
- 22 the universities and colleges supported in whole or in part by state
- 23 funds; the judicial department of the state of Indiana; and all
- 24 nongovernmental organizations receiving financial support or

1 assistance from the state of Indiana; but shall not mean nor
 2 include cities, towns, townships, school cities, school towns,
 3 school townships, school districts, nor other municipal
 4 corporations or political subdivisions of the state.

5 ~~(e)~~ (5) The terms "budget bill," or "budget bills", shall mean a bill
 6 for an act, or two (2) or more such bills, prepared as authorized in
 7 this chapter, by which substantially all of the appropriations are
 8 made that are necessary and required to carry on state government
 9 for the budget period, if and when such bill is, or such bills are,
 10 enacted into law.

11 ~~(f)~~ (6) The term "budget report" shall mean a written explanation
 12 of the budget bill or bills, and a general statement of the reasons
 13 for the appropriations therein and of the sources and extent of
 14 state income to meet such appropriations, together with such
 15 further parts as are required by law.

16 ~~(g)~~ (7) The term "budget period" means that period of time for
 17 which appropriations are made in the budget bill or budget bills.

18 **(8) "Dedicated fund" refers to a special revenue fund:**

19 **(A) in which the proceeds of specific revenue sources**
 20 **specified by state statute (other than resources for major**
 21 **capital projects) are deposited; and**

22 **(B) from which a state statute restricts disbursements to**
 23 **specified purposes.**

24 **The term includes the state tuition reserve fund**
 25 **(IC 4-12-1-15.7). The term does not include the**
 26 **counter-cyclical revenue and economic stabilization fund**
 27 **(IC 4-10-18-2) or the state general fund, including the**
 28 **Medicaid contingency and reserve account of the state general**
 29 **fund (IC 4-12-1-15.5).**

30 SECTION 2. IC 4-12-1-12, AS AMENDED BY P.L.146-2008,
 31 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JUNE 30, 2011]: Sec. 12. (a) Within forty-five (45) days following the
 33 adjournment of the regular session of the general assembly, the budget
 34 agency shall examine the acts of such general assembly and, with the
 35 aid of its own records and those of the budget committee, shall prepare
 36 a complete list of all appropriations made by law for the budget period
 37 beginning on July 1 following such regular session, or so made for such
 38 other period as is provided in the appropriation. While such list is being
 39 made by it the budget agency shall review and analyze the fiscal status
 40 and affairs of the state as affected by such appropriations. A written
 41 report thereof shall be made and signed by the budget director and shall
 42 be transmitted to the governor and the auditor of state. The report shall
 43 be transmitted in an electronic format under IC 5-14-6 to the general
 44 assembly.

45 (b) Not later than the first day of June of each calendar year, the
 46 budget agency shall prepare a list of all appropriations made by law for

1 expenditure or encumbrance during the fiscal year beginning on the
2 first day of July of that calendar year.

3 (c) Within sixty (60) days following the adjournment of any special
4 session of the general assembly, or within such shorter period as the
5 circumstances may require, the budget agency shall prepare for and
6 transmit to the governor and members of the general assembly and the
7 auditor of state, like information and a list of sums appropriated, all as
8 is done upon the adjournment of a regular session, pursuant to
9 subsections (a) and (b) of this section to the extent the same are
10 applicable. The budget agency shall transmit any information under
11 this subsection to the general assembly in an electronic format under
12 IC 5-14-6.

13 (d) The budget agency shall administer the allotment system
14 provided in IC 4-13-2-18.

15 (e) **Subject to subsection (f)**, the budget agency may transfer,
16 assign, and reassign any appropriation or appropriations, or parts of
17 them, excepting those appropriations made to the Indiana state
18 teacher's retirement fund established by IC 5-10.4-2, made for one
19 specific use or purpose to another use or purpose of the agency of state
20 to which the appropriation is made, but only when the uses and
21 purposes to which the funds transferred, assigned, and reassigned are
22 uses and purposes the agency of state is by law required or authorized
23 to perform. No transfer may be made as in this subsection authorized
24 unless upon the request of and with the consent of the agency of state
25 whose appropriations are involved. Except to the extent otherwise
26 specifically provided **by law**, every appropriation made and hereafter
27 made and provided, for any specific use or purpose of an agency of the
28 state is and shall be construed to be an appropriation to the agency, for
29 all other necessary and lawful uses and purposes of the agency, subject
30 to the aforesaid request and consent of the agency and concurrence of
31 the budget agency.

32 **(f) This subsection applies if the budget agency determines that**
33 **the balance of the state general fund at the end of a state fiscal year**
34 **is equal to or greater than two and five-tenths percent (2.5%) of**
35 **the sum of the following state fiscal year's budgeted**
36 **appropriations. If any part of an appropriation to which a**
37 **dedicated fund appropriation is transferred, assigned, or**
38 **reassigned is unexpended and unencumbered at the end of the state**
39 **fiscal year, the budget agency shall revert the unexpended and**
40 **unencumbered amount to the dedicated fund. The amount reverted**
41 **to the dedicated fund may be used only for the purposes of the**
42 **dedicated fund. In the state fiscal year immediately following a**
43 **determination described in this subsection, an appropriation from**
44 **a dedicated fund that is transferred, assigned, or reassigned by the**
45 **budget agency may be used only for the statutory purposes of the**
46 **dedicated fund. The budget agency shall maintain accounting**

1 **procedures that are sufficient to verify that fees that are not taxes**
2 **are used only for the benefit of the users who pay the fees and the**
3 **purposes of the dedicated fund.**

4 (f) (g) One (1) or more emergency or contingency appropriations for
5 each fiscal year or for the budget period may be made to the budget
6 agency. Such appropriations shall be in amounts definitely fixed by
7 law, or ascertainable or determinable according to a formula, or
8 according to appropriate provisions of law taking into account the
9 revenues and income of the agency of state. No transfer shall be made
10 from any such appropriation to the regular appropriation of an agency
11 of the state except upon an order of the budget agency made pursuant
12 to the authority vested in it hereby or otherwise vested in it by law."

13 Renumber all SECTIONS consecutively.

(Reference is to HB 1343 as printed February 11, 2011.)

Representative Clere