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# SENATE BILL No. 143

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-10-22.

**Synopsis:** Automatic taxpayer refund. Provides that for purposes of the automatic taxpayer refund statutes, amounts in the state tuition reserve fund are not considered in determining whether state reserves exceed 10% of general revenue. Specifies an additional requirement (a balance in the tuition reserve equal to at least 10% of the tuition support appropriation for the following year) that must be satisfied before a transfer may be made under the automatic taxpayer refund statutes. Specifies that: (1) if the amount of the excess reserves is less than \$100,000,000, all of the excess reserves shall be transferred to the pension stabilization fund; and (2) if the amount of the excess reserves is \$100,000,000 or more, 50% of the excess reserves shall be transferred to the pension stabilization fund and 50% of the excess reserves shall be used for the purposes of providing an automatic taxpayer refund. (Under current law, the excess reserves are divided equally between the pension stabilization fund and the automatic taxpayer refund, regardless of the dollar amount of the excess reserves.)

**Effective:** Upon passage.

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January 4, 2012, read first time and referred to Committee on Appropriations.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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# SENATE BILL No. 143



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 4-10-22-1, AS ADDED BY P.L.229-2011,  
2 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 1. After the end of each state fiscal year, the  
4 office of management and budget shall calculate in the customary  
5 manner the total amount of state reserves as of the end of the state  
6 fiscal year. **However, for purposes of this chapter, the office of**  
7 **management and budget may not include in the total amount of**  
8 **state reserves any amounts in the state tuition reserve fund under**  
9 **IC 4-12-1-15.7.** The office of management and budget shall make the  
10 calculation not later than July 31 of each year.

11 SECTION 2. IC 4-10-22-2, AS ADDED BY P.L.229-2011,  
12 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 UPON PASSAGE]: Sec. 2. If:

- 14 (1) the total amount of state reserves calculated by the office of  
15 management and budget exceeds ten percent (10%) of the general  
16 revenue appropriations for the current state fiscal year;
- 17 (2) the state tuition reserve fund under IC 4-12-1-15.7 has a



1           **balance equal to at least ten percent (10%) of the state tuition**  
 2           **support appropriation for the following calendar year; and if**  
 3           **(3) the accounts payable by the state at the end of the preceding**  
 4           **state fiscal year are not unusually large as a percentage of the total**  
 5           **amount of state reserves (as compared to recent history);**

6           the governor shall make a presentation to the state budget committee  
 7           regarding the disposition of excess state reserves under section 3 of this  
 8           chapter. The presentation must be made not later than September 30 of  
 9           the year.

10           SECTION 3. IC 4-10-22-3, AS ADDED BY P.L.229-2011,  
 11           SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12           UPON PASSAGE]: Sec. 3. After completing the presentation to the  
 13           state budget committee described in section 2 of this chapter, the  
 14           governor shall **do the following:**

15           **(1) If the amount of the excess reserves is less than one**  
 16           **hundred million dollars (\$100,000,000), transfer one hundred**  
 17           **percent (100%) of the excess reserves to the pension**  
 18           **stabilization fund established by IC 5-10.4-2-5 for the**  
 19           **purposes of the pension stabilization fund.**

20           **(2) If the amount of the excess reserves is one hundred million**  
 21           **dollars (\$100,000,000) or more:**

22            (†) **(A)** transfer fifty percent (50%) of any excess reserves to  
 23            the pension stabilization fund established by IC 5-10.4-2-5 for  
 24            the purposes of the pension stabilization fund; and

25            (‡) **(B)** use fifty percent (50%) of any excess reserves for the  
 26            purposes of providing an automatic taxpayer refund under  
 27            section 4 of this chapter.

28           **SECTION 4. An emergency is declared for this act.**

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