

HOUSE BILL No. 1126

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-14-1.

Synopsis: Highway funding. Removes the requirement that one-half of the amount appropriated for the state police department be deducted from the motor vehicle highway account fund before the statutory allocation to cities, towns, counties, and the department of transportation is made.

Effective: July 1, 2013.

Saunders, Hamm

January 8, 2013, read first time and referred to Committee on Ways and Means.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1126



A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

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

1 SECTION 1. IC 8-14-1-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2013]: Sec. 2. It is hereby declared to be the
3 policy of the state of Indiana that:
4 (1) the net amount in the motor vehicle highway account shall be
5 budgeted for programs of traffic safety and for the construction,
6 reconstruction, improvement, **and** maintenance ~~and policing~~ of
7 the highways of the state;
8 (2) a fair distribution thereof shall be made between the
9 department and subordinate political subdivisions having
10 jurisdiction of highways of the state;
11 (3) the funds allotted shall be used in accordance with the policy
12 herein declared and the provisions of this chapter; and
13 (4) the funds allocated to counties, cities, and towns from such
14 motor vehicle highway account shall be budgeted as provided by
15 law, and such county budgets shall be referred to the county
16 council for approval, revision, or reduction.
17 SECTION 2. IC 8-14-1-3 IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2013]: Sec. 3. The money collected for the
 2 motor vehicle highway account fund and remaining after refunds and
 3 the payment of all expenses incurred in the collection thereof, and after
 4 the deduction of the amount appropriated to the department for traffic
 5 safety, ~~and after the deduction of one-half (1/2) of the amount~~
 6 ~~appropriated for the state police department~~, shall be allocated to and
 7 distributed among the department and subdivisions designated as
 8 follows:

9 (1) Of the net amount in the motor vehicle highway account the
 10 auditor of state shall set aside for the cities and towns of the state
 11 fifteen percent (15%) thereof. This sum shall be allocated to the
 12 cities and towns upon the basis that the population of each city
 13 and town bears to the total population of all the cities and towns
 14 and shall be used for the construction or reconstruction and
 15 maintenance of streets and alleys and shall be annually budgeted
 16 as now provided by law. However, no part of such sum shall be
 17 used for any other purpose than for the purposes defined in this
 18 chapter. If any funds allocated to any city or town shall be used by
 19 any officer or officers of such city or town for any purpose or
 20 purposes other than for the purposes as defined in this chapter,
 21 such officer or officers shall be liable upon their official bonds to
 22 such city or town in such amount so used for other purposes than
 23 for the purposes as defined in this chapter, together with the costs
 24 of said action and reasonable attorney fees, recoverable in an
 25 action or suit instituted in the name of the state of Indiana on the
 26 relation of any taxpayer or taxpayers resident of such city or town.
 27 A monthly distribution thereof of funds accumulated during the
 28 preceding month shall be made by the auditor of state.

29 (2) Of the net amount in the motor vehicle highway account, the
 30 auditor of state shall set aside for the counties of the state
 31 thirty-two percent (32%) thereof. However, as to the allocation to
 32 cities and towns under subdivision (1) and as to the allocation to
 33 counties under this subdivision, in the event that the amount in
 34 the motor vehicle highway account fund remaining after refunds
 35 and **after** the payment of all expenses incurred in the collection
 36 thereof ~~and after deduction of any amount appropriated by the~~
 37 ~~general assembly for public safety and policing~~ shall be less than
 38 twenty-two million six hundred and fifty thousand dollars
 39 (\$22,650,000) in any fiscal year, then the amount so set aside in
 40 the next calendar year for distributions to counties shall be
 41 reduced fifty-four percent (54%) of such deficit and the amount
 42 so set aside for distribution in the next calendar year to cities and

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1 towns shall be reduced thirteen percent (13%) of such deficit.
 2 Such reduced distributions shall begin with the distribution
 3 January 1 of each year.
 4 (3) The amount set aside for the counties of the state under the
 5 provisions of subdivision (2) shall be allocated monthly upon the
 6 following basis:
 7 (A) Five percent (5%) of the amount allocated to the counties
 8 to be divided equally among the ninety-two (92) counties.
 9 (B) Sixty-five percent (65%) of the amount allocated to the
 10 counties to be divided on the basis of the ratio of the actual
 11 miles, now traveled and in use, of county roads in each county
 12 to the total mileage of county roads in the state, which shall be
 13 annually determined, accurately, by the department.
 14 (C) Thirty percent (30%) of the amount allocated to the
 15 counties to be divided on the basis of the ratio of the motor
 16 vehicle registrations of each county to the total motor vehicle
 17 registration of the state.
 18 All money so distributed to the several counties of the state shall
 19 constitute a special road fund for each of the respective counties
 20 and shall be under the exclusive supervision and direction of the
 21 board of county commissioners in the construction,
 22 reconstruction, maintenance, or repair of the county highways or
 23 bridges on such county highways within such county.
 24 (4) Each month the remainder of the net amount in the motor
 25 vehicle highway account shall be credited to the state highway
 26 fund for the use of the department.
 27 (5) Money in the fund may not be used for any toll road or toll
 28 bridge project.
 29 (6) Notwithstanding any other provisions of this section, money
 30 in the motor vehicle highway account fund may be appropriated
 31 to the Indiana department of transportation from the forty-seven
 32 percent (47%) distributed to the political subdivisions of the state
 33 to pay the costs incurred by the department in providing services
 34 to those subdivisions.
 35 (7) Notwithstanding any other provisions of this section or of
 36 IC 8-14-8, for the purpose of maintaining a sufficient working
 37 balance in accounts established primarily to facilitate the
 38 matching of federal and local money for highway projects, money
 39 may be appropriated to the Indiana department of transportation
 40 as follows:
 41 (A) One-half (1/2) from the forty-seven percent (47%) set
 42 aside under subdivisions (1) and (2) for counties and for those

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1 cities and towns with a population greater than five thousand
2 (5,000).
3 (B) One-half (1/2) from the distressed road fund under
4 IC 8-14-8.

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