SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 52 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-2.5-10-1, AS AMENDED BY P.L.201-2023, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The department shall account for all state gross retail and use taxes that it collects.

(b) Of all the state gross retail and use taxes that the department collects, the department shall determine separately the parts that:

(1) the department collects under IC 6-2.5-3.5 (gasoline use tax); ~~and~~

(2) beginning after June 30, 2024, the department collects under IC 6-2.5-3.5 (gasoline use tax) that are attributable to Marion County; and

~~(2)~~ **(3)** the department collects under this article, less the ~~amount~~ **amounts** described in ~~subdivision~~ **subdivisions** (1) **and (2).**

(c) The department shall deposit the collections described in subsection (b)(1) in the following manner:

(1) For state fiscal year 2017, the following:

(A) Fourteen and two hundred eighty-six thousandths percent (14.286%) of the collections shall be deposited in the motor vehicle highway account established under IC 8-14-1.

(B) Eighty-five and seven hundred fourteen thousandths percent (85.714%) to the state general fund.

(2) For state fiscal year 2018, the following:

(A) Fourteen and two hundred eighty-six thousandths percent (14.286%) of the collections shall be deposited in the motor vehicle highway account established under IC 8-14-1.

(B) Fourteen and two hundred eighty-six thousandths percent (14.286%) of the collections shall be deposited in the local road and bridge matching grant fund established under IC 8-23-30.

(C) Seventy-one and four hundred twenty-eight thousandths percent (71.428%) to the state general fund.

(3) For state fiscal year 2019, the following:

(A) Fourteen and two hundred eighty-six thousandths percent (14.286%) of the collections shall be deposited in the motor vehicle highway account established under IC 8-14-1.

(B) Twenty-one and four hundred twenty-nine thousandths percent (21.429%) of the collections shall be deposited in the local road and bridge matching grant fund established under IC 8-23-30.

(C) Sixty-four and two hundred eighty-five thousandths percent (64.285%) shall be deposited in the state general fund.

(4) For state fiscal year 2020 and for each state fiscal year thereafter, the following:

(A) Fourteen and two hundred eighty-six thousandths percent (14.286%) of the collections shall be deposited in the motor vehicle highway account established under IC 8-14-1.

(B) Twenty-one and four hundred twenty-nine thousandths percent (21.429%) of the collections shall be deposited in the local road and bridge matching grant fund established under IC 8-23-30.

(C) The following shall be deposited in the state general fund:

(i) For state fiscal year 2020, fifty-three and five hundred seventy-five thousandths percent (53.575%) shall be deposited in the state general fund.

(ii) For state fiscal year 2021, forty-two and eight hundred sixty-five thousandths percent (42.865%) shall be deposited in the state general fund.

(iii) For state fiscal year 2022, thirty-two and one hundred fifty-five thousandths percent (32.155%) shall be deposited in the state general fund.

(iv) For state fiscal year 2023, twenty-one and four hundred forty-five thousandths percent (21.445%) shall be deposited in the state general fund.

(D) The following shall be deposited in the special transportation flexibility fund established by IC 4-12-16.5-2:

(i) For state fiscal year 2020, eight and five hundred sixty-eight thousands percent (8.568%) of the collections shall be deposited in the special transportation flexibility fund established by IC 4-12-16.5-2.

(ii) For state fiscal year 2021, twelve and eight hundred fifty-two thousandths percent (12.852%) of the collections

shall be deposited in the special transportation flexibility fund established by IC 4-12-16.5-2.

(iii) For state fiscal year 2022, twelve and eight hundred fifty-two thousandths percent (12.852%) of the collections shall be deposited in the special transportation flexibility fund established by IC 4-12-16.5-2.

(iv) For state fiscal year 2023, eight and five hundred sixty-eight thousands percent (8.568%) of the collections shall be deposited in the special transportation flexibility fund established by IC 4-12-16.5-2.

(E) The following shall be deposited in the state highway fund:

(i) For state fiscal year 2020, two and one hundred forty-two thousandths percent (2.142%) of the collections shall be deposited in the state highway fund.

(ii) For state fiscal year 2021, eight and five hundred sixty-eight thousandths percent (8.568%) of the collections shall be deposited in the state highway fund.

(iii) For state fiscal year 2022, nineteen and two hundred seventy-eight thousandths percent (19.278%) of the collections shall be deposited in the state highway fund.

(iv) For state fiscal year 2023, thirty-four and two hundred seventy-two thousandths percent (34.272%) of the collections shall be deposited in the state highway fund.

(v) For state fiscal year 2024 and for each state fiscal year thereafter, sixty-four and two hundred eighty-five thousandths percent (64.285%) of the collections shall be deposited in the state highway fund.

(d) Beginning after June 30, 2024, the department shall deposit the collections described in subsection (b)(2) with the Marion County fiscal officer for deposit in the fund established by IC 36-3-7-7.5(c).

~~(d)~~ **(e)** The department shall deposit those collections described in subsection ~~(b)(2)~~ **(b)(3)** in the following manner:

(1) Ninety-nine and eight hundred thirty-eight thousandths percent (99.838%) of the collections shall be paid into the state general fund.

(2) Thirty-one thousandths of one percent (0.031%) of the collections shall be deposited into the industrial rail service fund established under IC 8-3-1.7-2.

(3) One hundred thirty-one thousandths of one percent (0.131%) of the collections shall be deposited into the commuter rail service fund established under IC 8-3-1.5-20.5.

SECTION 2. IC 6-6-1.1-502, AS AMENDED BY P.L.211-2007, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 502. (a) Except as provided in subsection (b), at the time of filing each monthly report, each distributor shall pay to

the administrator the full amount of tax due under this chapter for the preceding calendar month, computed as follows:

(1) Enter the total number of invoiced gallons of gasoline received during the preceding calendar month.

(2) Subtract the number of gallons for which deductions are provided by sections 701 through 705 of this chapter from the number of gallons entered under subdivision (1).

(3) Subtract the number of gallons reported under section 501(3) of this chapter.

(4) Multiply the number of invoiced gallons remaining after making the computation in subdivisions (2) and (3) by the tax rate prescribed by section 201 of this chapter to compute that part of the gasoline tax to be deposited in the highway, road and street fund under section ~~802(2)~~ **802(a)(2)** of this chapter or in the motor fuel tax fund under section ~~802(3)~~ **802(a)(3)** of this chapter.

(5) Multiply the number of gallons subtracted under subdivision (3) by the tax rate prescribed by section 201 of this chapter to compute that part of the gasoline tax to be deposited in the fish and wildlife fund under section ~~802(1)~~ **802(a)(1)** of this chapter.

(b) If the department determines that a distributor's:

(1) estimated monthly gasoline tax liability for the current year; or

(2) average monthly gasoline tax liability for the preceding year;

exceeds five thousand dollars ($5,000), the distributor shall pay the monthly gasoline taxes due by electronic fund transfer (as defined in IC 4-8.1-2-7) or by delivering in person or by overnight courier a payment by cashier's check, certified check, or money order to the department. The transfer or payment shall be made on or before the date the tax is due.

SECTION 3. IC 6-6-1.1-802 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 802. **(a)** The administrator shall, after the transfer specified in section 801.5 of this chapter, deposit the remainder of the revenues collected under this chapter in the following manner:

(1) The taxes collected with respect to gasoline delivered to a taxable marine facility shall be deposited in the fish and wildlife fund established by IC 14-22-3-2.

(2) **Except as provided in subsection (b),** twenty-five percent (25%) of the taxes collected under this chapter, except the taxes referred to in subdivision (1), shall be deposited in the highway, road and street fund established under IC 8-14-2-2.1.

(3) **Except as provided in subsection (b),** the remainder of the revenues collected under this chapter shall be deposited in the motor fuel tax fund of the motor vehicle highway account.

(b) This subsection applies to revenue deposited in state fiscal

years beginning after June 30, 2024. For each state fiscal year beginning after June 30, 2024, the department shall determine the amount of revenue collected under this chapter that is attributable to Marion County and would otherwise be deposited under subsection (a)(2), (a)(3), and IC 6-6-2.5-68(b), and, notwithstanding subsection (a) or any other provision of law, the department shall distribute that amount to the Marion County fiscal officer for deposit in the fund established by IC 36-3-7-7.5(c).

SECTION 4. IC 6-6-4.1-5, AS AMENDED BY P.L.185-2018, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The department shall deposit revenue collected under sections 4 and 12 of this chapter in the state highway fund (IC 8-23-9-54).

(b) The department shall deposit revenue collected under sections 4.3 and 4.5 of this chapter (before their repeal) as follows:

(1) Forty-seven and seventy-five hundredths percent (47.75%) in the state highway fund (IC 8-23-9-54).

(2) Forty-seven and seventy-five hundredths percent (47.75%) in the motor vehicle highway account (IC 8-14-1).

(3) Four and five-tenths percent (4.5%) in the motor carrier regulation fund administered by the department.

(c) The department shall deposit revenue collected under section 13 of this chapter as follows:

(1) Thirty-five percent (35%) in the motor vehicle highway account (IC 8-14-1).

(2) Sixty-five percent (65%) in the state highway fund (IC 8-23-9-54).

(d) This subsection applies to revenue deposited under subsection (c)(1) in state fiscal years beginning after June 30, 2024. For each state fiscal year beginning after June 30, 2024, the department shall determine the amount of revenue collected under section 13 of this chapter that is attributable to Marion County and would otherwise be deposited into the motor vehicle highway account and, notwithstanding subsection (c)(1) or any other provision of law, the department shall distribute that amount to the Marion County fiscal officer for deposit in the fund established by IC 36-3-7-7.5(c).

SECTION 5. IC 6-8.1-3-30 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 30. (a) Before July 1, 2024, the department, in conjunction with the Indiana department of transportation, the bureau of motor vehicles, and any other appropriate state or local agency, shall establish criteria for sourcing or attributing receipts of taxes, fees, or other charges to Marion County for purposes of:**

(1) IC 6-2.5-10-1;

(2) IC 6-6-1.1-802, including the deposits of special fuel tax

revenue as described in IC 6-6-2.5-68(b);

(3) IC 6-6-4.1-5;

(4) IC 9, as directed by IC 9-13-1-5;

(5) IC 33-37-7-9(b); and

(6) any other statute that provides for a distribution to the motor vehicle highway account or the local road and street account that is attributable to Marion County to the extent the statute is not otherwise described in subdivisions (1) through (5).

(b) The department may disseminate the sourcing criteria required by this section through any combination of the following methods:

(1) Adopting administrative rules under IC 4-22-2.

(2) Issuing information bulletins or other guidelines.

SECTION 6. IC 8-14-1-1, AS AMENDED BY P.L.185-2018, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter:

(1) "Motor vehicle highway account" means the account of the general fund of the state known as the "motor vehicle highway account" to which is credited collections from motor vehicle registration fees, licenses, driver's and chauffeur's license fees, gasoline taxes, auto transfer fees, certificate of title fees, weight taxes or excise taxes and all other similar special taxes, duties or excises of all kinds on motor vehicles, trailers, motor vehicle fuel, or motor vehicle owners or operators. The account also includes amounts distributed to the fund by the bureau of motor vehicles under IC 9. **After June 30, 2024, the account does not include amounts collected or distributed as described in this subdivision that are attributable to Marion County.**

(2) The term "department" refers to the Indiana department of transportation.

(3) The term "highways" includes roadway, rights of way, bridges, drainage structures, signs, guard rails, protective structures in connection with highways, drains, culverts, and bridges and the substructure and superstructure of bridges and approaches thereto and streets and alleys of cities or towns.

(4) The term "construction" means the planning, supervising, inspecting, actual building, draining, and all expenses incidental to the construction of a highway.

(5) The term "reconstruction" means a widening or a rebuilding of the highway or any portion thereof.

(6) The term "maintenance" when used in reference to cities, towns, and counties as applied to that part of the highway other than bridges, means the constant making of needed repairs, to preserve a smooth surfaced highway, adequately drained, marked and guarded by protective structures for public safety and, as to

bridges, means the constant making of needed repairs to preserve a smooth surfaced highway thereon and the safety and preservation of the bridge and its approaches, together with the substructure and superstructure thereof; and such term also means and includes the acquisition and use, in any manner, of all needed equipment, fuel, materials, and supplies essential and incident thereto.

(7) The term "preservation" means the preventative treatment, nonstructural treatment, rehabilitation, or structural repairs made to transportation infrastructure and related drainage that are included in an asset management plan approved by the Indiana department of transportation in collaboration with the local technical assistance program at Purdue University.

(8) The term "vehicle registration" means the number of vehicles subject to registration under IC 9-18 (before January 1, 2017) or IC 9-18.1 (after December 31, 2016) which are registered thereunder, and, when used with respect to the state, shall mean the number of vehicles registered in the state and, when used in respect to a county, city, or town, shall mean the number of vehicles registered by owners resident in the county, city, or town.

SECTION 7. IC 8-14-1-4, AS AMENDED BY P.L.179-2023, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The funds allocated to the respective counties of the state from the motor vehicle highway account shall annually be budgeted as provided by law, and, when distributed shall be used for construction, reconstruction, preservation, and maintenance of the highways of the respective counties, including highways which traverse the streets of incorporated towns, the cost of the repair and maintenance of which prior to the tenth day of September, 1932, was paid from the county gravel road repair fund excepting where the department is charged by law with the maintenance or construction of any such highway so traversing such streets. Subject to subsection (b), any surplus existing in the funds at the end of the year shall thereafter continue as a part of the highway funds of the said counties and shall be rebudgeted and used as already provided in this chapter. The purchase, rental and repair of highway equipment, painting of bridges and acquisition of grounds for erection and construction of storage buildings, acquisition of rights of way and the purchase of fuel oil, and supplies necessary to the performance of construction, reconstruction, preservation, and maintenance of highways, shall be paid out of the highway account of the various counties.

(b) Except as provided in subsection (c), for funds distributed to a county from the motor vehicle highway account, the county shall use at least fifty percent (50%) of the money for the construction, reconstruction, and preservation of the county's highways.

(c) This subsection applies to a county containing a consolidated

city. For funds distributed to a county from the motor vehicle highway account, the county shall use at least sixty-five percent (65%) of the money for the construction, reconstruction, and preservation of the county's highways. **This subsection expires July 1, 2024.**

SECTION 8. IC 8-14-1-5, AS AMENDED BY P.L.179-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Subject to subsection (c), all funds allocated to cities and towns from the motor vehicle highway account shall be used by the cities and towns for the construction, reconstruction, preservation, repair, maintenance, oiling, sprinkling, snow removal, weed and tree cutting and cleaning of their highways as herein defined, and including also any curbs, and the city's or town's share of the cost of the separation of the grades of crossing of public highways and railroads, the purchase or lease of highway construction, preservation, and maintenance equipment, the purchase, erection, operation and maintenance of traffic signs and signals, and safety zones and devices, and the painting of surfaces in highways for purposes of safety and traffic regulation. All of such funds shall be budgeted as provided by law.

(b) In addition to purposes for which funds may be expended under subsection (a), monies allocated to cities and towns under this chapter may be expended for the payment of principal and interest on bonds sold primarily to finance road, street, or thoroughfare projects.

(c) Except as provided in subsection (d), for funds distributed to a city or town from the motor vehicle highway account, the city or town shall use at least fifty percent (50%) of the money for the construction, reconstruction, and preservation of the city's or town's highways.

(d) This subsection applies to a consolidated city. For funds distributed to a consolidated city from the motor vehicle highway account, the consolidated city shall use at least sixty-five percent (65%) of the money for the construction, reconstruction, and preservation of the consolidated city's highways. **This subsection expires July 1, 2024.**

SECTION 9. IC 8-14-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter:

(1) Primary highway system special account means the account of the state known as the "primary highway system special account" to which is credited monthly fifty-five percent (55%) of the money deposited in the highway, road and street fund.

(2) Local road and street account means the account of the state known as the "local road and street account" to which is credited monthly forty-five percent (45%) of the money deposited in the highway, road and street fund. **After June 30, 2024, the term does not include amounts credited to the account that are attributable to Marion County.**

(3) The term "department" refers to the Indiana department of

transportation created under IC 8-23-2.

(4) The term "primary highways" shall mean that portion of the federal-aid highway system designated by the department and approved by the United States department of transportation as being the state "primary highway system".

(5) The term "construction" shall mean both construction and reconstruction to a degree that new, supplementary, or substantially improved traffic service is provided, and significant geometric or structural improvements are effected.

(6) "Arterial road system" shall mean the system of roads including bridges in each county of Indiana, under the jurisdiction of the board of county commissioners, or successor body, including a department of transportation of a consolidated city, designated as such by the board under IC 8-23-4-3, but not including local county roads.

(7) "Local county roads" shall mean all county roads and bridges which are not designated as being in the arterial road system.

(8) "Arterial street system" means the system of streets, including bridges in each city or town in Indiana, under the jurisdiction of municipal street authorities or successor bodies, including a department of transportation of a consolidated city, designated as such by the board under IC 8-23-4-4, but not including local streets.

(9) "Local streets" shall mean all city and town streets and bridges which are not designated as being in the arterial street system in each city or town.

(10) "Resurfacing" means the placement of additional pavement layers (including protective systems for bridge decks) over the existing (or restored or rehabilitated) roadway or bridge deck surface to provide additional strength or to improve serviceability for a substantial time period.

(11) "Restoration and rehabilitation" means work required to return the existing structure (roadway pavement or bridge deck) to a suitable condition for an additional stage of construction (bridge deck protective system or resurfacing) or to a suitable condition to perform satisfactorily for a substantial time period.

SECTION 10. IC 8-14-2-2.1, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.1. The ~~auditor~~ **state comptroller** shall create a special fund to be known as the "Highway, Road and Street Fund" for the deposit of the revenues from:

(1) **except as provided in IC 6-6-1.1-802(b),** the gasoline and special fuel taxes dedicated to the fund under IC 6-6-1.1-802 and IC 6-6-2.5; and

(2) **except as provided in IC 9-13-1-5,** amounts deposited in or

distributed to the fund under IC 9.

SECTION 11. IC 8-14-2-4, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The ~~auditor of~~ state **comptroller** shall establish a special account to be called the "local road and street account" and credit this account monthly with thirty-seven percent (37%) of the money deposited in the highway, road and street fund.

(b) The ~~auditor~~ **state comptroller** shall distribute to units of local government money from this account each month. Before making any other distributions under this chapter, the ~~auditor~~ **state comptroller** shall distribute E85 incentive payments to all political subdivisions entitled to a payment under section 8 of this chapter.

(c) After distributing E85 incentive payments required under section 8 of this chapter, the ~~auditor of~~ state **comptroller** shall allocate to each county the remaining money in this account on the basis of the ratio of each county's passenger car registrations to the total passenger car registrations of the state. The ~~auditor~~ **state comptroller** shall further determine the suballocation between the county and the cities within the county as follows:

(1) In counties having a population of more than fifty thousand (50,000), sixty percent (60%) of the money shall be distributed on the basis of the population of the city or town as a percentage of the total population of the county and forty percent (40%) distributed on the basis of the ratio of city and town street mileage to county road mileage.

(2) In counties having a population of fifty thousand (50,000) or less, twenty percent (20%) of the money shall be distributed on the basis of the population of the city or town as a percentage of the total population of the county and eighty percent (80%) distributed on the basis of the ratio of city and town street mileage to county road mileage.

(3) For the purposes of allocating funds as provided in this section, towns which become incorporated as a town between the effective dates of decennial censuses shall be eligible for allocations upon the effectiveness of a corrected population count for the town under IC 1-1-3.5.

(4) **Before July 1, 2024,** money allocated under the provisions of this section to counties containing a consolidated city shall be credited or allocated to the department of transportation of the consolidated city.

(d) Each month the ~~auditor of~~ state **comptroller** shall inform the department of the amounts allocated to each unit of local government from the local road and street account.

SECTION 12. IC 9-13-1-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: **Sec. 5. (a) This section applies whenever a reference in this title refers to a deposit, distribution, or other transfer of funds into the:**

(1) motor vehicle highway account; or

(2) highway, road and street fund.

(b) The proceeds of a transaction under this title that occurs in Marion County and for which the transaction's proceeds are deposited, distributed, or otherwise transferred into the:

(1) motor vehicle highway account; or

(2) highway, road and street fund (but only the part that is credited to the local road and street account as described in IC 8-14-2-1(2));

shall instead be transferred to the Marion County fiscal officer for deposit in the fund established by IC 36-3-7-7.5(c).

SECTION 13. IC 9-14-14-5, AS AMENDED BY P.L.211-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. **Except as provided in IC 9-13-1-5,** money distributed to or deposited in the highway, road and street fund under this title shall be allocated as follows:

(1) To the state highway fund as provided in IC 8-14-2-3.

(2) To the local road and street account as provided in IC 8-14-2-4.

SECTION 14. IC 33-37-7-9, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) On June 30 and on December 31 of each year, the ~~auditor of~~ state **comptroller** shall transfer to the treasurer of state nine million four hundred ninety-two thousand twenty-three dollars ($9,492,023) for distribution under subsection (b).

(b) On June 30 and on December 31 of each year, the treasurer of state shall deposit into:

(1) the family violence and victim assistance fund established by IC 5-2-6.8-3 an amount equal to seven and eighty-five hundredths percent (7.85%);

(2) the Indiana judges' retirement fund established by IC 33-38-6-12 an amount equal to thirty-seven and sixty-eight hundredths percent (37.68%);

(3) the law enforcement academy fund established by IC 5-2-1-13 an amount equal to twelve and fifty-five hundredths percent (12.55%);

(4) the violent crime victims compensation fund established by IC 5-2-6.1-40 an amount equal to eleven and sixty-six hundredths percent (11.66%);

(5) the motor vehicle highway account an amount equal to nineteen and five hundredths percent (19.05%);

(6) the fish and wildlife fund established by IC 14-22-3-2 an

amount equal to twenty-five hundredths percent (0.25%);

(7) the Indiana supreme court drug and alcohol programs fund established by IC 12-23-14-17 for the administration, certification, and support of alcohol and drug services programs under IC 12-23-14 an amount equal to one and six-tenths percent (1.6%); and

(8) the DNA sample processing fund established under IC 10-13-6-9.5 for the funding of the collection, shipment, analysis, and preservation of DNA samples and the conduct of a DNA data base program under IC 10-13-6 an amount equal to nine and thirty-six hundredths percent (9.36%);

of the amount transferred by the ~~auditor of~~ state **comptroller** under subsection (a). **Any revenue deposited under subdivision (5) for state fiscal years beginning after June 30, 2024, that is attributable to Marion County but would otherwise be distributed to the motor vehicle highway account shall instead be distributed to the Marion County fiscal officer for deposit in the fund established by IC 36-3-7-7.5(c).**

(c) On June 30 and on December 31 of each year, the ~~auditor of~~ state **comptroller** shall transfer to the treasurer of state for deposit into the public defense fund established under IC 33-40-6-1 three million seven hundred thousand dollars ($3,700,000).".

Page 3, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 15. IC 36-3-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The consolidated city is entitled to receive the following monies, as they become available, to use in carrying out the powers, duties, and obligations of the consolidated city and its special service districts and special taxing districts:

(1) Revenues from the levies of taxes or special taxes on property or otherwise as prescribed by law.

(2) The aggregate of allocated amounts of money collected and available for distribution to the consolidated city and the county in the motor vehicle highway account as prescribed by IC 8-14-1 **(before July 1, 2024).**

(3) All public money, whether held in general accounts, special accounts, trusts, or otherwise, or receivable by the county or the consolidated city, or its departments, special taxing districts, or special service districts, that is budgeted or made available for functions conferred on the consolidated city or its departments or districts.

(4) All money that becomes available from the federal government or any federal agency organized for the disbursement or allocation of federal monies in furtherance of powers conferred on the consolidated city or its departments or districts.

(5) All money appropriated in furtherance of the powers conferred

on the consolidated city.

(6) All money received as proceeds from the sale of bonds by the consolidated city or its special taxing districts.

(7) All parking fees and mass transportation revenues collected by the department of transportation under IC 36-9.

(8) All money received by the consolidated city from the exercise of its powers or control and use of its property.

(9) All money in the cigarette tax fund available for distribution to the consolidated city or the department of transportation as prescribed by IC 6-7-1-30.1.

(10) The aggregate of allocated amounts of money collected and available for distribution to the consolidated city and the county as prescribed by IC 7.1-4-7 pertaining to alcoholic beverage fees and taxes.

(11) Any other money available for distribution by the state under any statute, according to that statute.

SECTION 16. IC 36-3-7-3, AS AMENDED BY P.L.179-2023, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) For purposes of determining the right of the consolidated city to receive a distribution of money described by section 2 of this chapter based on population, the population of the fire special service district is considered the population of the consolidated city.

(b) Notwithstanding subsection (a), for purposes of determining the right of the consolidated city to receive a distribution of money under IC 7.1-4 based on population, the population of all the territory of the consolidated city is considered its population.

(c) Notwithstanding subsection (a), for purposes of determining the right of the consolidated city to receive a distribution of money described by section 2(2) of this chapter based on population, the population of all the territory of the consolidated city is considered its population. **This subsection expires July 1, 2024.**

SECTION 17. IC 36-3-7-7, AS ADDED BY P.L.179-2023, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The definitions in IC 8-14-1 apply throughout this section.

(b) Beginning in calendar year 2024, the following amounts must be used by the consolidated city for the construction, reconstruction, and preservation of the consolidated city's local streets (as defined in IC 8-14-2-1(9)) and alleys:

(1) One hundred percent (100%) of the money distributed to the consolidated city under section 2(2) of this chapter that is attributable to the consolidated city's population in Wayne, Pike, and Decatur townships not included in the population of the fire special service district.

(2) In addition to the money distributed under subdivision (1), an

appropriation by the consolidated city in an amount that is the greater of the following:

(A) Eight million dollars ($8,000,000).

(B) The amount distributed to the consolidated city under subdivision (1) for the prior calendar year.

(c) The appropriation required under subsection (b)(2)(B) may not include revenue allocated to public safety purposes under IC 6-3.6-6.

(d) This section expires July 1, 2024.

SECTION 18. IC 36-3-7-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.5. (a) The definitions in IC 8-14-1 and IC 8-14-2 apply throughout this section.**

(b) As used in this section, "fund" refers to the local road and street fund established by subsection (c).

(c) The local road and street fund is established. The fund consists of deposits made to the Marion County fiscal officer without regard to the distribution and allocation of funds under IC 8-14-1 and IC 8-14-2 and includes deposits made after June 30, 2024, under:

(1) IC 6-2.5-10-1;

(2) IC 6-6-1.1-802, including the deposits of special fuel tax revenue as described in IC 6-6-2.5-68(b);

(3) IC 6-6-4.1-5;

(4) IC 9, as directed by IC 9-13-1-5;

(5) IC 33-37-7-9(b); and

(6) any other statute that provides for a distribution to the motor vehicle highway account or the local road and street account that is attributable to Marion County to the extent the statute is not otherwise described in subdivisions (1) through (5).

(d) Money in the fund must be used for expenses related to local roads and streets and, in accordance with the provisions of IC 8-14-1 and IC 8-14-2, including the uses for construction, reconstruction, and preservation of highways as described in:

(1) IC 8-14-1-4(c) (as in effect January 1, 2024); and

(2) IC 8-14-1-5(d) (as in effect January 1, 2024).".

Renumber all SECTIONS consecutively.

(Reference is to SB 52 as printed January 23, 2024.)

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Senator QADDOURA