

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 2017 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 188

AN ACT to amend the Indiana Code concerning state offices and administration.

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

SECTION 1. IC 4-12-1-14.7, AS ADDED BY P.L.213-2015, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017 (RETROACTIVE)]: Sec. 14.7. (a) The securities rating settlement fund is established for the purpose of depositing and distributing money received under a multistate agreement related to litigation concerning the rating processes used by Standard & Poor's Financial Services and McGraw Hill Financial, Inc.

(b) All money that is received by the state under the multistate agreement described in subsection (a) shall be deposited in the fund.

(c) The fund shall be administered by the budget agency. Money in the fund at the end of the state fiscal year does not revert to the state general fund.

(d) Money deposited into the fund shall be distributed by the auditor of state as follows:

- (1) Sixty-seven and sixty-seven hundredths percent (67.67%) shall be transferred to the state general fund.
- (2) Sixteen and one hundred sixty-five thousandths percent (16.165%) shall be transferred to the securities division enforcement account established by IC 23-19-6-1.
- (3) Sixteen and one hundred sixty-five thousandths percent (16.165%) shall be transferred to the ~~consumer fees and~~



~~settlements agency settlement fund established by~~
IC 4-12-16-2.

SECTION 2. IC 4-12-16-3, AS ADDED BY P.L.217-2017, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017 (RETROACTIVE)]: Sec. 3. (a) The fund consists of:

(1) except as provided in subsections (b) and (c), all funds received by the state under:

(A) multistate and Indiana specific settlements;

(B) assurances of voluntary compliance accepted by the attorney general; and

(C) any other form of agreement that:

(i) is enforceable by a court; and

(ii) settles litigation between the state and another party; **and**

~~(2) all federal funds described in IC 4-6-9-7; and~~

~~(3) (2) all money recovered as court costs or costs related to litigation.~~

(b) Any amount of restitution that is:

(1) awarded to an individual or institution under a ~~consumer~~ settlement or assurance of voluntary compliance;

(2) **unclaimed by an individual or institution;**

(3) received by a state agency; and

~~(4) (4) determined to be abandoned property under IC 32-34-1;~~

must be deposited in the abandoned property fund established by IC 32-34-1-33.

(c) The fund does not include the following:

(1) Funds received by the state department of revenue.

(2) Funds required to be deposited in the securities division enforcement account (IC 23-19-6-1).

(3) Funds received as the result of a civil forfeiture under IC 34-24-1.

(4) Funds received as a civil penalty or as part of an enforcement or collection action by an agency authorized to impose a civil penalty or engage in an enforcement or collection action, if the funds are required to be deposited in the general fund or another fund by statute.

(5) **Funds recovered by the Medicaid fraud control unit in actions to recover money inappropriately paid out of or obtained from the state Medicaid program.**

(6) **Amounts required to be paid as consumer restitution or refunds in settlements specified in this chapter.**

(7) **Amounts received under the Master Settlement Agreement (as defined in IC 24-3-3-6).**



SECTION 3. IC 34-13-3-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) There is appropriated from the state general fund sufficient funds to:

- (1) settle claims and satisfy tort judgments obtained against the state; ~~and~~
- (2) pay ~~expenses authorized by this chapter, including:~~ **interest on claims and judgments; and**
- (3) **subject to approval by the budget director, pay:**
 - (A) liability insurance premiums; **and**
 - ~~(B) interest on claims and judgments; and~~
 - ~~(C)~~ **(B)** expenses incurred by the attorney general in employing other counsel to aid in defending or settling claims or civil actions against the state.

SECTION 4. [EFFECTIVE JULY 1, 2017 (RETROACTIVE)] (a) **Notwithstanding P.L.217-2017, the appropriations from the consumer fees and settlements fund for the attorney general for the state fiscal year beginning July 1, 2017, and for the state fiscal year beginning July 1, 2018, are not made from the consumer fees and settlements fund, and instead are made for the attorney general for those state fiscal years from the agency settlement fund established by IC 4-12-16-2.**

(b) **This SECTION expires June 30, 2019.**

SECTION 5. [EFFECTIVE UPON PASSAGE] (a) **Before March 20, 2018, the auditor of state shall transfer the money in the consumer fees and settlements fund to the agency settlement fund established by IC 4-12-16-2.**

(b) **The auditor of state shall account for and the state treasurer shall transfer the amounts from funds or accounts of the state necessary to carry out the purposes of this SECTION.**

(c) **The auditor of state shall close the consumer fees and settlements fund on the date that is the day after the transfers required under this SECTION are completed.**

(d) **This SECTION expires July 1, 2019.**

SECTION 6. [EFFECTIVE UPON PASSAGE] (a) **The attorney general shall submit, not later than July 1, 2018, a report to the legislative council stating whether the attorney general intends to pursue or join in a civil action against opioid manufacturers to recoup costs to the state associated with the opioid public health crisis and epidemic. The report to the legislative council must be in an electronic format under IC 5-14-6.**

(b) **As part of the report to the legislative council, the attorney general shall explain the reasons for the attorney general's decision**



described in subsection (a).

(c) This SECTION expires January 1, 2019.

SECTION 7. An emergency is declared for this act.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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