

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1008 be amended to read as follows:

- 1 Page 25, between lines 32 and 33, begin a new paragraph and insert:
- 2 "SECTION 32. IC 8-15-4 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 UPON PASSAGE]:
- 5 **Chapter 4. Bipartisan Public-Private Partnership Review**
- 6 **Commission**
- 7 **Sec. 1. As used in this chapter, "agreement" refers to the**
- 8 **following:**
- 9 **(1) A public-private partnership agreement (as defined in**
- 10 **IC 8-15.5-2-8).**
- 11 **(2) A public-private partnership agreement (as defined in**
- 12 **IC 8-15.7-2-14).**
- 13 **Sec. 2. As used in this chapter, "commission" refers to the**
- 14 **bipartisan public-private partnership review commission.**
- 15 **Sec. 3. As used in this chapter, "authority" refers to the Indiana**
- 16 **finance authority established by IC 4-4-11-4.**
- 17 **Sec. 4. As used in this chapter, "operator" refers to the**
- 18 **following:**
- 19 **(1) An operator (as defined in IC 8-15.5-2-5).**
- 20 **(2) An operator (as defined in IC 8-15.7-2-10).**
- 21 **Sec. 5. The bipartisan public-private partnership review**
- 22 **commission is established.**
- 23 **Sec. 6. The commission consists of eight (8) members appointed**
- 24 **by the governor.**
- 25 **Sec. 7. None of the members may be members of the general**

1 assembly.

2 **Sec. 8. Not more than four (4) members of the commission may**
3 **be members of the same political party.**

4 **Sec. 9. (a) This section applies to the appointment of the four (4)**
5 **members of the commission who are not members of the same**
6 **political party as the governor.**

7 **(b) Two (2) of the members appointed under this section shall be**
8 **appointed from a list of six (6) names submitted to the governor by**
9 **the leader in the senate of the political party that:**

10 **(1) is not the same political party with which the governor is**
11 **affiliated; and**

12 **(2) has the most members of any political party described in**
13 **subdivision (1).**

14 **(c) Two (2) of the members appointed under this section shall be**
15 **appointed from a list of six (6) names submitted to the governor by**
16 **the leader in the house of representatives of the political party that:**

17 **(1) is not the same political party with which the governor is**
18 **affiliated; and**

19 **(2) has the most members of any political party described in**
20 **subdivision (1).**

21 **Sec. 10. (a) Subject to this section, the term of a member of the**
22 **commission is four (4) years.**

23 **(b) Four (4) of the initial members of the commission selected by**
24 **the governor shall serve an abbreviated term. Not more than one**
25 **(1) of the members appointed under section 9(b) of this chapter and**
26 **one (1) of the members appointed under section 9(c) of this chapter**
27 **may be selected for an abbreviated term under this section. The**
28 **term of an initial member serving an abbreviated term under this**
29 **section expires on June 30, 2008.**

30 **(c) The term of an initial member not serving an abbreviated**
31 **term under this section expires June 30, 2010.**

32 **Sec. 11. The governor shall fill a vacancy on the commission for**
33 **the remainder of the vacating member's term in the same manner**
34 **as vacating member was appointed.**

35 **Sec. 12. The governor shall appoint the chairperson of the**
36 **commission. The member appointed as chairperson serves as the**
37 **chairperson at the pleasure of the governor.**

38 **Sec. 13. The expenses of the commission shall be paid by the**
39 **authority.**

40 **Sec. 14. Each member of the commission who is not a state**
41 **employee is entitled to the minimum salary per diem provided by**
42 **IC 4-10-11-2.1(b). The member is also entitled to reimbursement**
43 **for traveling expenses as provided under IC 4-13-1-4 and other**
44 **expenses actually incurred in connection with the member's duties**
45 **as provided in the state policies and procedures established by the**
46 **Indiana department of administration and approved by the budget**

1 agency.

2 **Sec. 15. Each member of the commission who is a state employee**
 3 **is entitled to reimbursement for traveling expenses as provided**
 4 **under IC 4-13-1-4 and other expenses actually incurred in**
 5 **connection with the member's duties as provided in the state**
 6 **policies and procedures established by the Indiana department of**
 7 **administration and approved by the budget agency.**

8 **Sec. 16. The affirmative votes of a majority of the voting**
 9 **members appointed to the commission are required for the**
 10 **commission to take action on any measure, including final reports.**

11 **Sec. 17. A meeting of the commission may be called by the**
 12 **chairperson, the governor, or three (3) members of the commission**
 13 **in a writing submitted to the chairperson.**

14 **Sec. 18. The commission shall review proposed public-private**
 15 **agreements with proposed operators as provided under IC 8-15.5**
 16 **and IC 8-15.7."**

17 Page 30, line 18, after "governor" insert "**, the bipartisan**
 18 **public-private partnership review commission,"**.

19 Page 30, between lines 19 and 20, begin a new paragraph and insert:

20 **"(b) Upon receipt of the determination under subsection (a), the**
 21 **bipartisan public-private partnership review commission shall**
 22 **evaluate the proposed project, the proposed public-private**
 23 **agreement, and the proposed operator. The authority and all state**
 24 **agencies shall cooperate with the bipartisan public-private**
 25 **partnership review commission and provide the bipartisan**
 26 **public-private partnership review commission with the information**
 27 **that the designation review commission determines is necessary to**
 28 **carry out the analysis. The analysis must cover financial and all**
 29 **other benefits and costs of the proposed public-private agreement**
 30 **with the proposed operator. The bipartisan public-private**
 31 **partnership review commission shall submit the designation review**
 32 **committee's findings and recommendations to the general assembly**
 33 **in an electronic format under IC 5-14-6, the governor, and the**
 34 **members of the budget committee. The recommendation must be**
 35 **accompanied by sufficient supporting documentation to permit a**
 36 **reader to identify the bipartisan public-private partnership review**
 37 **commission's assumptions and verify the accuracy and**
 38 **completeness of the bipartisan public-private partnership review**
 39 **commission's analysis."**

40 Page 30, line 20, delete "(b) After" and insert "**(c) If the designation**
 41 **review committee submits a recommendation that the authority**
 42 **enter into the proposed public-private partnership with the**
 43 **proposed operator and after"**.

44 Page 30, line 28, delete "(c)" and insert "**(d)"**.

45 Page 52, line 10, after "governor" insert "**, the bipartisan**
 46 **public-private partnership review commission,"**.

1 Page 52, between lines 11 and 12, begin a new paragraph and insert:
 2 **"(b) Upon receipt of the determination under subsection (a), the**
 3 **bipartisan public-private partnership review commission shall**
 4 **evaluate the proposed project, the proposed public-private**
 5 **agreement, and the proposed operator. The authority and all state**
 6 **agencies shall cooperate with the bipartisan public-private**
 7 **partnership review commission and provide the bipartisan**
 8 **public-private partnership review commission with the information**
 9 **that the designation review commission determines is necessary to**
 10 **carry out the analysis. The analysis must cover financial and all**
 11 **other benefits and costs of the proposed public-private agreement**
 12 **with the proposed operator. The bipartisan public-private**
 13 **partnership review commission shall submit the designation review**
 14 **committee's findings and recommendations to the general assembly**
 15 **in an electronic format under IC 5-14-6, the governor, and the**
 16 **members of the budget committee. The recommendation must be**
 17 **accompanied by sufficient supporting documentation to permit a**
 18 **reader to identify the bipartisan public-private partnership review**
 19 **commission's assumptions and verify the accuracy and**
 20 **completeness of the bipartisan public-private partnership review**
 21 **commission's analysis."**

22 Page 52, line 12, delete "(b) After" and insert **"(c) If the bipartisan**
 23 **public-private partnership review commission submits a**
 24 **recommendation that the authority enter into the proposed**
 25 **public-private partnership with the proposed operator and after"**.

26 Page 52, line 19, delete "(c)" and insert **"(d)"**.

27 Page 52, line 22, delete "(d)" and insert **"(e)"**.

28 Page 52, line 26, delete "(b)." and insert **"(e)."**

29 Renumber all SECTIONS consecutively.

(Reference is to HB 1008 as printed January 26, 2006.)

Representative Orentlicher