

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1336 be amended to read as follows:

- 1 Page 2, line 4, delete "(a)".
- 2 Page 2, delete lines 7 through 12.
- 3 Page 2, between lines 15 and 16, begin a new paragraph and insert:
- 4 **"Sec. 6. As used in this chapter, "indirect holdings" means all**
- 5 **securities of a company that are:**
- 6 **(1) held in an account or a fund in which the fund owns shares**
- 7 **or interests together with other investors not subject to this**
- 8 **chapter; and**
- 9 **(2) managed by one (1) or more persons who are not**
- 10 **employed by the fund.**
- 11 **Sec. 7. As used in this chapter, "private market fund" means**
- 12 **any:**
- 13 **(1) private equity fund;**
- 14 **(2) private equity fund of funds;**
- 15 **(3) venture capital fund;**
- 16 **(4) hedge fund;**
- 17 **(5) hedge fund of funds;**
- 18 **(6) real estate fund; or**
- 19 **(7) investment vehicle;**
- 20 **that is not publicly traded."**
- 21 Page 2, line 16, delete "6." and insert "8."
- 22 Page 2, line 21, delete "7. (a) If" and insert "9. (a) Except as
- 23 **provided in section 11 of this chapter, if".**
- 24 Page 2, line 41, delete "ten percent (10%)" and insert "**five percent**

1 (5%)".

2 Page 2, line 42, after "lender." insert **"A board is not required to**
 3 **divest the board's direct holdings in an aggressive lender according**
 4 **to the schedule set forth in subsection (a) if the divestment would**
 5 **cause brokerage liquidation costs to exceed five-tenths percent**
 6 **(0.5%) of the value of the direct holding. This determination shall**
 7 **be made by an advisory board comprised of the treasurer of state,**
 8 **the director of the department of financial institutions, the director**
 9 **of the public employees' retirement fund, and the director of the**
 10 **teachers' retirement fund. The treasurer of state shall serve as**
 11 **chairperson of this advisory board. The chairperson shall hold a**
 12 **public meeting at which the members of the advisory board shall**
 13 **vote on whether the divestment would cause brokerage liquidation**
 14 **costs to exceed five-tenths percent (0.5%) of the value of the direct**
 15 **holding if the divestment were to occur according to the schedule**
 16 **set forth in subsection (a). If the advisory board determines that it**
 17 **will create such a negative financial impact, the board shall**
 18 **establish an alternate divestment schedule that permits an orderly**
 19 **divestment of the board's direct holdings in an aggressive lender.**
 20 **The alternative schedule may not exceed ten (10) years."**

21 Page 3, line 3, delete "9" and insert "12".

22 Page 3, line 5, delete "8. A" and insert **"10. Except as provided in**
 23 **section 11, a"**.

24 Page 3, between lines 6 and 7, begin a new paragraph and insert:

25 **"Sec. 11. Notwithstanding any provision to the contrary, sections**
 26 **9 and 10 of this chapter do not apply to indirect holdings in:**

27 **(1) a private market fund; or**

28 **(2) an actively managed investment fund;**

29 **that includes a lender on the aggressive lender list."**

30 Page 3, line 7, delete "9." and insert "12."

31 Page 3, line 20, delete "7(a)" and insert "9(a)".

32 Page 3, line 22, delete "7(b)" and insert "9(b)".

33 Page 3, line 25, delete "10." and insert "13."

34 Page 3, line 30, delete "11." and insert "14."

35 Page 11, line 21, after "funds." insert **"In addition, any**
 36 **reallocation of public funds due to a withdrawal from an**
 37 **aggressive lender is to be done in a secure and prudent manner, as**
 38 **directed by the treasurer of state, in consultation with the director**
 39 **of the department of financial institutions."**

40 Page 25, line 2, after "IC 24-4.5-1-106." insert **"For purposes of**
 41 **this subsection, permissible additional charges under**
 42 **IC 24-4.5-3-202, interest on cash advances that is not more than**
 43 **four percent (4%), and any portion of a penalty interest rate that**
 44 **pertains to balances on accounts that are more than sixty-five (65)**
 45 **days delinquent may not be considered in calculating whether the**
 46 **interest rate exceeds the limits on loan finance charges for**

1 supervised loans. However, any interest rate or fee attributable to
2 a universal default provision must be considered in calculating
3 whether the interest rate exceeds the limits on loan finance charges
4 for supervised loans."

5 Page 26, between lines 20 and 21, begin a new paragraph and insert:

6 "SECTION 20. IC 28-1-15-5 IS ADDED TO THE INDIANA CODE
7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2010]: **Sec. 5. (a) Before the last day in January and before the
9 last day in July, every financial institution that had public funds on
10 deposit under IC 5-13 during the preceding six (6) months shall file
11 with the department a certified report under oath showing for each
12 of the preceding six (6) months the amount of public funds on
13 deposit on the last day of each month. The state board of accounts,
14 with the approval of the attorney general, shall prepare and
15 prescribe the forms of the report required by this section.**

16 **(b) The department shall review the report of each financial
17 institution that is submitted under this section and the statement of
18 condition of the financial institution and compare public deposits
19 and risks in relation to the financial institution's statement of
20 condition. If the department determines that there is a concern
21 regarding the safety of public deposits and the financial
22 institution's soundness, the concern shall be communicated to the
23 treasurer of state."**

24 Renumber all SECTIONS consecutively.

(Reference is to HB 1336 as printed January 29, 2010.)

Representative Grubb