

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1001 be amended to read as follows:

1 Page 106, between lines 7 and 8, begin a new paragraph and insert:
2 "SECTION 45. IC 5-11-1-9, AS AMENDED BY P.L.217-2007,
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2011]: Sec. 9. (a) The state examiner, personally or through
5 the deputy examiners, field examiners, or private examiners, shall
6 examine all accounts and all financial affairs of every public office and
7 officer, state office, state institution, and entity.
8 (b) An examination of an entity deriving:
9 (1) less than fifty percent (50%); or
10 (2) at least fifty percent (50%) but less than one hundred thousand
11 dollars (\$100,000) if the entity is organized as a not-for-profit
12 corporation;
13 of its disbursements during the period of time subject to an
14 examination from appropriations, public funds, taxes, and other sources
15 of public expense shall be limited to matters relevant to the use of the
16 public money received by the entity.
17 (c) The examination of an entity described in subsection (b) may be
18 waived or deferred by the state examiner if the state examiner
19 determines in writing that all disbursements of public money during the
20 period subject to examination were made for the purposes for which the
21 money was received. However, the **Indiana horse racing commission**
22 **shall be examined annually by the state board of accounts. In**
23 **addition, the:**

- 1 (1) Indiana economic development corporation created by
2 IC 5-28-3 and the corporation's funds, accounts, and financial
3 affairs; and
4 (2) department of financial institutions established by
5 IC 28-11-1-1 and the department's funds, accounts, and financial
6 affairs;
7 shall be examined biennially by the state board of accounts.
8 (d) On every examination under this section, inquiry shall be made
9 as to the following:
10 (1) The financial condition and resources of each municipality,
11 office, institution, or entity.
12 (2) Whether the laws of the state and the uniform compliance
13 guidelines of the state board of accounts established under section
14 24 of this chapter have been complied with.
15 (3) The methods and accuracy of the accounts and reports of the
16 person examined.
17 The examinations shall be made without notice.
18 (e) If during an examination of a state office under this chapter the
19 examiner encounters an inefficiency in the operation of the state office,
20 the examiner may comment on the inefficiency in the examiner's report.
21 (f) The state examiner, deputy examiners, any field examiner, or any
22 private examiner, when engaged in making any examination or when
23 engaged in any official duty devolved upon them by the state examiner,
24 is entitled to do the following:
25 (1) Enter into any state, county, city, township, or other public
26 office in this state, or any entity, agency, or instrumentality, and
27 examine any books, papers, documents, or electronically stored
28 information for the purpose of making an examination.
29 (2) Have access, in the presence of the custodian or the
30 custodian's deputy, to the cash drawers and cash in the custody of
31 the officer.
32 (3) During business hours, examine the public accounts in any
33 depository that has public funds in its custody pursuant to the
34 laws of this state.
35 (g) The state examiner, deputy examiner, or any field examiner,
36 when engaged in making any examination authorized by law, may issue
37 subpoenas for witnesses to appear before the examiner in person or to
38 produce books, papers, or other records (including records stored in
39 electronic data processing systems) for inspection and examination.
40 The state examiner, deputy examiner, and any field examiner may
41 administer oaths and examine witnesses under oath orally or by
42 interrogatories concerning the matters under investigation and
43 examination. Under the authority of the state examiner, the oral
44 examinations may be transcribed with the reasonable expense paid by
45 the examined person in the same manner as the compensation of the
46 field examiner is paid. The subpoenas shall be served by any person

1 authorized to serve civil process from any court in this state. If a
2 witness duly subpoenaed refuses to attend, refuses to produce
3 information required in the subpoena, or attends and refuses to be
4 sworn or affirmed, or to testify when called upon to do so, the examiner
5 may apply to the circuit court having jurisdiction of the witness for the
6 enforcement of attendance and answers to questions as provided by the
7 law governing the taking of depositions."

8 Renumber all SECTIONS consecutively.
 (Reference is to HB 1001 as printed February 21, 2011.)

Representative Goodin