

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 2008 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 4-3-12-2, AS AMENDED BY P.L.58-2002,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2003]: Sec. 2. (a) The articles of incorporation and bylaws of
6 the Indiana small business development corporation must provide that:
7 (1) the exclusive purpose of the corporation is to contribute to the
8 strengthening of the economy of the state by encouraging the
9 organization and development of new business enterprises,
10 including technologically oriented enterprises;
11 (2) the board of directors of the corporation is composed of:
12 (A) ~~the lieutenant governor or~~ the lieutenant governor's
13 designee;
14 (B) two (2) persons appointed by the governor from
15 recommendations provided by statewide business
16 organizations;
17 (C) two (2) persons appointed by the governor to represent
18 local host organizations of the small business development
19 center network;
20 (D) three (3) persons appointed by the governor, who must
21 have experience in business, finance, education,
22 entrepreneurship, or technology development; and
23 (E) one (1) person appointed by the governor to represent
24 nontraditional entrepreneurs (as defined in IC 4-3-13-6);

- 1 (3) ~~the governor shall appoint one (1) of the members of the board~~
 2 of directors to serve as chairman of the board at the pleasure of
 3 the governor; **shall elect one (1) of the members to serve as**
 4 **chairperson;**
 5 (4) **subject to subdivision (6),** the corporation may receive
 6 money from any source, may enter into contracts, and may expend
 7 money for any activities appropriate to its purpose;
 8 (5) **subject to subdivision (6),** the corporation may appoint staff
 9 and do all other things necessary or incidental to carrying out the
 10 functions listed in section 3 of this chapter;
 11 **(6) the exercise of the corporation's powers under this chapter**
 12 **is subject to the review and approval of the economic**
 13 **development corporation;**
 14 ~~(7)~~ (7) any changes in the articles of incorporation or bylaws must
 15 be approved by the ~~governor~~; **economic development**
 16 **corporation;**
 17 ~~(7)~~ (8) the corporation shall submit an annual report to the
 18 governor and to the Indiana general assembly on or before the
 19 first day of November for each year;
 20 ~~(8)~~ (9) the annual report shall include detailed information on the
 21 structure, operation, and financial status of the corporation;
 22 ~~(9)~~ (10) the corporation shall conduct an annual public hearing to
 23 receive comment from interested parties regarding the annual
 24 report, and notice of the hearing shall be given at least fourteen
 25 (14) days prior to the hearing in accordance with
 26 IC 5-14-1.5-5(b); and
 27 ~~(10)~~ (11) the corporation is subject to an annual audit by the state
 28 board of accounts, and the corporation shall bear the full costs of
 29 this audit.
- 30 (b) Not more than five (5) of the members of the board of directors
 31 of the corporation may be members of the same political party.
- 32 SECTION 2. IC 4-3-13.7 IS ADDED TO THE INDIANA CODE
 33 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2003]:
- 35 **Chapter 13.7. Economic Development Corporation**
 36 **Sec 1. As used in this chapter, "corporation" refers to the**
 37 **economic development corporation established by section 2 of this**
 38 **chapter.**
 39 **Sec. 2. (a) There is established a body politic and corporate, not**
 40 **a state agency but an independent instrumentality exercising**
 41 **essential public functions, to be known as the economic**
 42 **development corporation.**
 43 (b) The corporation is composed of the following twenty-one
 44 (21) members, none of whom may be members of the general
 45 assembly:
 46 (1) **Three (3) persons appointed by the governor who must be**

- 1 employed in or retired from the private or nonprofit sector
2 but may not represent organized labor. Appointments made
3 under this subdivision are also subject to the requirements of
4 subsection (c).
- 5 (2) Three (3) persons appointed by the lieutenant governor
6 who must be employed in or retired from the private or
7 nonprofit sector but may not represent organized labor.
8 Appointments made under this subdivision are also subject to
9 the requirements of subsection (c).
- 10 (3) Two (2) persons appointed by the speaker of the house of
11 representatives who must be employed in or retired from the
12 private or nonprofit sector. One (1) of these appointees must
13 represent organized labor and the other appointee may not
14 represent organized labor.
- 15 (4) Two (2) persons appointed by the minority leader of the
16 house of representatives who must be employed in or retired
17 from the private or nonprofit sector. One (1) of these
18 appointees must represent organized labor and the other
19 appointee may not represent organized labor.
- 20 (5) Two (2) persons appointed by the president pro tempore
21 of the senate who must be employed in or retired from the
22 private or nonprofit sector. One (1) of these appointees must
23 represent organized labor and the other appointee may not
24 represent organized labor.
- 25 (6) Two (2) persons appointed by the minority leader of the
26 senate who must be employed in or retired from the private
27 or nonprofit sector. One (1) of these appointees must
28 represent organized labor and the other appointee may not
29 represent organized labor.
- 30 (7) One (1) person appointed by the president of Indiana
31 University who must be employed in or retired from the
32 private or nonprofit sector or academia, but may not
33 represent organized labor.
- 34 (8) One (1) person appointed by the president of Purdue
35 University who must be employed in or retired from the
36 private or nonprofit sector or academia, but may not
37 represent organized labor.
- 38 (9) One (1) person appointed by the president of Indiana State
39 University who must be employed in or retired from the
40 private or nonprofit sector or academia, but may not
41 represent organized labor.
- 42 (10) One (1) person appointed by the president of Ball State
43 University who must be employed in or retired from the
44 private or nonprofit sector or academia, but may not
45 represent organized labor.
- 46 (11) One (1) person appointed by the president of the
47 University of Southern Indiana who must be employed in or

1 retired from the private or nonprofit sector or academia, but
2 may not represent organized labor.

3 (12) One (1) person appointed by the president of Ivy Tech
4 State College who must be employed in or retired from the
5 private or nonprofit sector or academia, but may not
6 represent organized labor.

7 (13) One (1) person appointed by the president of Vincennes
8 University who must be employed in or retired from the
9 private or nonprofit sector or academia, but may not
10 represent organized labor.

11 (c) The governor and lieutenant governor shall coordinate their
12 appointments under subsection (b)(1) and (b)(2) so that those
13 appointments include at least one (1) representative from each of
14 the following industry sectors:

15 (1) Advanced manufacturing, such as automotive, electronics,
16 aerospace, robotics, or engineering design technology.

17 (2) Information technology, such as informatics, certified
18 network administration, software development, or fiber
19 optics.

20 (3) Life sciences, such as orthopedics, medical devices,
21 biomedical research and development, pharmaceutical
22 manufacturing, agribusiness, nanotechnology, or molecular
23 manufacturing.

24 (4) Logistics, such as high technology distribution, intermodal
25 ports, or flow and storage of goods, services, and information.

26 (5) Public utilities (as defined in IC 8-1-2-1).

27 Sec. 3. The terms of office of the members of the corporation are
28 as follows:

29 (1) Members appointed by the governor, lieutenant governor,
30 president pro tempore of the senate, or minority leader of the
31 senate serve for terms of four (4) years.

32 (2) Members appointed by the speaker of the house of
33 representatives, the minority leader of the house of
34 representatives, or the president of a university or college
35 serve for terms of two (2) years.

36 Each member shall hold office for the term of appointment and
37 shall continue to serve after expiration of the appointment until a
38 successor is appointed and qualified. Members are eligible for
39 reappointment.

40 Sec. 4. (a) The governor may designate a member of the
41 corporation appointed by the governor under section 2(b)(1) of this
42 chapter to serve as chairperson. However, if the governor does not
43 designate a chairperson, the members shall elect a chairperson
44 from among the members.

45 (b) The members of the corporation are entitled to a salary per
46 diem for attending meetings equal to the per diem provided by law
47 for members of the general assembly. The members of the

1 corporation shall receive reimbursement for actual and necessary
2 expenses on the same basis as state employees.

3 **Sec. 5. Fourteen (14) members constitute a quorum for the**
4 **transaction of business. The affirmative vote of at least eleven (11)**
5 **members is necessary for any action to be taken by the**
6 **corporation. Members may vote by written proxy delivered in**
7 **advance to any other member who is present at the meeting.**

8 **Sec. 6. Meetings of the corporation shall be held at the call of the**
9 **chairperson or whenever any five (5) members request a meeting.**
10 **The members shall meet at least once every three (3) months to**
11 **attend to the business of the corporation.**

12 **Sec. 7. (a) The corporation may, without the approval of the**
13 **attorney general or any other state officer, employ bond counsel,**
14 **other legal counsel, technical experts, and other officers, agents,**
15 **and employees, permanent or temporary, the corporation**
16 **considers necessary to carry out the efficient operation of the**
17 **corporation.**

18 **(b) The corporation shall determine qualifications, duties,**
19 **compensation, and terms of service for persons designated in**
20 **subsection (a).**

21 **(c) Employees of the corporation are not employees of the state.**

22 **Sec. 8. The corporation is granted all powers necessary or**
23 **appropriate to carry out and effectuate the corporation's public**
24 **and corporate purposes under this chapter.**

25 **Sec. 9. The purpose of the corporation is to improve the quality**
26 **of life for the citizens of Indiana by encouraging:**

- 27 **(1) the diversification of Indiana's economy;**
- 28 **(2) the creation of new jobs;**
- 29 **(3) the retention of existing jobs;**
- 30 **(4) the growth and modernization of existing industry; and**
- 31 **(5) the promotion of the state.**

32 **Sec. 10. The corporation shall be responsible for overseeing the**
33 **operations of the Indiana small business development corporation**
34 **under IC 4-3-12-1 and the Indiana economic development council**
35 **under IC 4-3-14.**

36 **Sec. 11. The corporation may incur debt. Debt incurred by the**
37 **corporation does not represent or constitute a debt of the state**
38 **within the meaning of the Constitution of the State of Indiana or**
39 **Indiana statutes.**

40 **SECTION 3. IC 4-3-14-4 IS AMENDED TO READ AS FOLLOWS**
41 **[EFFECTIVE JULY 1, 2003]: Sec. 4. (a) The articles of incorporation**
42 **or bylaws of the corporation, as appropriate, must provide that:**

- 43 **(1) the exclusive purpose of the corporation is to contribute to the**
44 **strengthening of the economy of the state by:**
 - 45 **(A) coordinating the activities of all parties having a role in the**
46 **state's economic development through evaluating, overseeing,**
47 **and appraising those activities on an ongoing basis;**

- 1 (B) overseeing the implementation of the state's economic
 2 development plan and monitoring the updates of that plan; and
 3 (C) educating and assisting all parties involved in improving
 4 the long range vitality of the state's economy;
- 5 (2) the board must include:
- 6 ~~(A) the governor;~~
 7 ~~(B) (A) a designee of the lieutenant governor;~~
 8 ~~(C) the chief operating officer of the corporation;~~
 9 ~~(D) the chief operating officer of the corporation for Indiana's~~
 10 ~~international future; and~~
 11 ~~(E) (B) additional eight (8) persons appointed by the governor,~~
 12 **not more than four (4) of whom may be of the same**
 13 **political party,** who are actively engaged in Indiana in private
 14 enterprise, organized labor, state or local governmental
 15 agencies, and education, and who represent the diverse
 16 economic and regional interests throughout Indiana;
- 17 (3) the ~~governor shall serve as~~ **members shall elect a** chairman
 18 of the board of the corporation, and the ~~lieutenant governor shall~~
 19 ~~serve as the members, with the approval of the economic~~
 20 **development corporation, shall select an chief executive officer**
 21 **executive director** of the corporation;
- 22 (4) the ~~governor members~~ shall ~~appoint elect~~ as vice chairman of
 23 the board a member of the board engaged in private enterprise;
- 24 (5) the ~~lieutenant governor executive director of the~~
 25 **corporation** shall be responsible as ~~chief executive officer~~ for
 26 overseeing implementation of the state's economic development
 27 plan as articulated by the corporation and shall oversee the
 28 activities of the ~~corporation's chief operating officer corporation;~~
- 29 ~~(6) the governor may appoint an executive committee composed~~
 30 ~~of members of the board (size and structure of the executive~~
 31 ~~committee shall be set by the articles and bylaws of the~~
 32 ~~corporation);~~
- 33 ~~(7) (6) subject to subdivision (7),~~ the corporation may receive
 34 funds from any source and may expend funds for any activities
 35 necessary, convenient, or expedient to carry out its purposes;
- 36 **(7) the exercise of the corporation's powers under this chapter**
 37 **is subject to the review and approval of the economic**
 38 **development corporation;**
- 39 (8) any amendments to the articles of incorporation or bylaws of
 40 the corporation must be approved by the ~~governor;~~ **board of the**
 41 **economic development corporation;**
- 42 (9) the corporation shall submit an annual report to the governor
 43 and to the Indiana general assembly on or before the first day of
 44 November for each year;
- 45 (10) the corporation shall conduct an annual public hearing to
 46 receive comment from interested parties regarding the annual

1 report, and notice of the hearing shall be given at least fourteen
 2 (14) days prior to the hearing in accordance with
 3 IC 5-14-1.5-5(b); and

4 (11) the corporation is subject to an annual audit by the state
 5 board of accounts, and the corporation shall bear the full costs of
 6 this audit.

7 (b) **Subject to subsection (a)(7)**, the corporation may perform other
 8 acts and things necessary, convenient, or expedient to carry out the
 9 purposes identified in this section, and it has all rights, powers, and
 10 privileges granted to corporations by IC 23-17 and by common law.

11 SECTION 4. IC 4-4-3-1 IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2003]: Sec. 1. As used in this chapter:

13 "Department" shall mean the department of ~~commerce~~ **tourism and**
 14 **community development** provided for by this chapter.

15 "Director" shall mean the director of the department.

16 SECTION 5. IC 4-4-3-2 IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2003]: Sec. 2. There is hereby created a state
 18 department to be known as the department of ~~commerce~~ **tourism and**
 19 **community development**. The lieutenant governor, by virtue of his
 20 office, shall serve as director of the department and commissioner of
 21 agriculture, and he shall receive no additional salary in these
 22 capacities."

23 Page 82, between lines 38 and 39, begin a new paragraph and insert:

24 "SECTION 70. [EFFECTIVE JULY 1, 2003] (a) **The duties**
 25 **conferred on the department of commerce relating to energy policy**
 26 **are transferred to the department of environmental management,**
 27 **established by IC 13-13-1-1, on July 1, 2003.**

28 (b) **The rules adopted by the department of commerce**
 29 **concerning energy policy before July 1, 2003, are considered, after**
 30 **June 30, 2003, rules of the department of environmental**
 31 **management until the department of environmental management**
 32 **adopts replacement rules.**

33 (c) **On July 1, 2003, the department of environmental**
 34 **management becomes the owner of all real and personal property**
 35 **relating to energy policy of the department of commerce.**

36 (d) **Any fund relating to energy policy under the control or**
 37 **supervision of the department of commerce on June 30, 2003, shall**
 38 **be transferred to the control or supervision of the department of**
 39 **environmental management on July 1, 2003.**

40 (e) **The legislative services agency shall prepare legislation for**
 41 **introduction in the 2004 regular session of the general assembly to**
 42 **organize and correct statutes affected by the transfer of**
 43 **responsibilities to the department of environmental management**
 44 **by this act.**

45 (f) **This SECTION expires June 30, 2004.**

46 SECTION 71. [EFFECTIVE JULY 1, 2003] (a) **The duties**
 47 **conferred on the department of commerce relating to tourism and**

1 community development are transferred to the department of
2 tourism and community development, established by IC 4-4-3-2, as
3 amended by this act, on July 1, 2003.

4 (b) The rules adopted by the department of commerce
5 concerning tourism and community development before July 1,
6 2003, are considered, after June 30, 2003, rules of the department
7 of tourism and community development until the department of
8 tourism and community development adopts replacement rules.

9 (c) On July 1, 2003, the department of tourism and community
10 development becomes the owner of all real and personal property
11 relating to tourism promotion and community development of the
12 department of commerce.

13 (d) Any fund relating to tourism and community development
14 under the control or supervision of the department of commerce on
15 June 30, 2003, shall be transferred to the control or supervision of
16 the department of tourism and community development on July 1,
17 2003.

18 (e) The legislative services agency shall prepare legislation for
19 introduction in the 2004 regular session of the general assembly to
20 organize and correct statutes affected by the transfer of
21 responsibilities to the department of tourism and community
22 development by this act.

23 (f) This SECTION expires June 30, 2004.

24 SECTION 72. [EFFECTIVE JULY 1, 2003] (a) The duties
25 conferred on the department of commerce relating to economic
26 development in Indiana, except those relating to energy policy or
27 tourism and community development, are transferred to the
28 economic development corporation, established by IC 4-3-13.7, as
29 added by this act, on July 1, 2003.

30 (b) The rules adopted by the department of commerce, except
31 those related to energy policy and tourism and community
32 development, before July 1, 2003, concerning the duties of the
33 department of commerce are considered, after June 30, 2003, rules
34 of the economic development corporation until the corporation
35 adopts replacement rules.

36 (c) On July 1, 2003, the Indiana economic development
37 corporation becomes the owner of all real and personal property,
38 except the real and personal property related to energy policy and
39 tourism and community development, of the department of
40 commerce.

41 (d) Any fund under the control or supervision of the department
42 of commerce, except funds related to energy policy and tourism
43 and community development, on June 30, 2003, is transferred to
44 the control or supervision of the economic development
45 corporation on July 1, 2003.

46 (e) The legislative services agency shall prepare legislation for
47 introduction in the 2004 regular session of the general assembly to

1 **organize and correct statutes affected by the transfer of**
2 **responsibilities to the economic development corporation by this**
3 **act.**

4 **(f) This SECTION expires June 30, 2004."**
5 Renumber all SECTIONS consecutively.
(Reference is to HB 2008 as printed February 26, 2003.)

Representative Bosma