

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 135, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete the title and insert the following:
2 A BILL FOR AN ACT to amend the Indiana Code concerning
3 state property.
4 Delete everything after the enacting clause and insert the
5 following:
6 SECTION 1. IC 4-12-13 IS ADDED TO THE INDIANA CODE
7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
8 UPON PASSAGE]:
9 **Chapter 13. Sale of State Assets**
10 **Sec. 1. This chapter applies to the disposition of an asset**
11 **notwithstanding any other law.**
12 **Sec. 2. As used in this chapter, "asset" refers to any real or**
13 **personal property owned by an entity.**
14 **Sec. 3. As used in this chapter, "disposition" refers to a sale, a**
15 **lease, an installment sale, a transfer, a management or operation**
16 **contract, or any other agreement governing, transferring, or**
17 **pertaining to an asset.**
18 **Sec. 4. As used in this chapter, "entity" refers to either of the**
19 **following:**
20 **(1) A state agency.**
21 **(2) A body corporate and politic established by statute.**
22 **Sec. 5. As used in this chapter, "obligation" refers to any of the**
23 **following:**
24 **(1) A bond.**
25 **(2) A contract.**
26 **(3) A lease.**

- 1 (4) A note.
2 (5) Any other obligation that provides for the payment of a
3 debt.

4 **Sec. 6. As used in this chapter, "person" refers to any of the**
5 **following:**

- 6 (1) An individual.
7 (2) A corporation.
8 (3) A general or limited partnership.
9 (4) A joint venture.
10 (5) A limited liability company.
11 (6) A nonprofit organization.
12 (7) A political subdivision (as defined in IC 36-1-2-13).
13 (8) A state educational institution (as defined in
14 IC 20-12-0.5-1).
15 (9) An entity.

16 **Sec. 7. As used in this chapter, "state agency" has the meaning**
17 **set forth in IC 4-13-1-1(b).**

18 **Sec. 8. (a) The budget director's exercise of powers under this**
19 **section is subject to both of the following:**

- 20 (1) An advisory recommendation by the budget committee.
21 (2) Approval of the governor.

22 **(b) Notwithstanding any other law, but subject to subsection**
23 **(a), the budget director may provide for the disposition of an asset:**

- 24 (1) on any basis or terms; and
25 (2) at any price;

26 **the budget director determines is fiscally prudent and reasonable.**

27 **(c) The budget director's determination to convey an asset**
28 **must:**

- 29 (1) be in writing; and
30 (2) include consideration of the commercial value of the asset
31 to be conveyed.

32 **The value of the asset may be determined by any method that is**
33 **commercially reasonable.**

34 **(d) The budget director may request proposals from persons**
35 **as to the conveyance of an asset.**

36 **(e) The budget director has all powers necessary, convenient,**
37 **appropriate, or desirable to implement this chapter, even if a**
38 **power is not specifically granted by statute.**

39 **(f) The powers granted to the budget director under this**
40 **chapter are supplemental to the powers otherwise granted to the**
41 **budget director or an entity relating to the conveyance of an asset.**

42 **Sec. 9. The budget director, in exercising the powers and**
43 **carrying out the duties under this chapter, may not take an action**
44 **that would impair any obligation of an entity.**

45 **Sec. 10. The general assembly covenants and agrees with the**
46 **holders or owners of an obligation issued under any statute by an**
47 **entity that while any of the obligations are outstanding and unpaid,**
48 **the budget director may not make a conveyance under this chapter**
49 **to impair, and the state will not in any way impair, the rights and**
50 **remedies of the holders or owners of the obligations until:**

- 1 **(1) the obligations;**
- 2 **(2) any interest on the obligations;**
- 3 **(3) interest on an unpaid installment of interest; and**
- 4 **(4) all costs and expenses relating to any action or**
- 5 **proceedings by or on behalf of the holders or owners of the**
- 6 **obligations;**
- 7 **are fully paid, met, and discharged.**
- 8 **SECTION 2. An emergency is declared for this act.**
 (Reference is to SB 135 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

GARTON Chairperson