

Adopted Rejected

COMMITTEE REPORT

YES: 16
NO: 5

MR. SPEAKER:

*Your Committee on Ways and Means, to which was referred House Bill 1063, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 5-22-16-4, AS AMENDED BY P.L.246-2005,
- 3 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2007]: Sec. 4. (a) An offeror that is a foreign corporation must
- 5 be registered with the secretary of state to do business in Indiana in
- 6 order to be considered responsible.
- 7 (b) This subsection applies to a purchase of ~~supplies or services~~
- 8 **tangible personal property** for a state agency under a contract entered
- 9 into or purchase order sent to an offeror (in the absence of a contract)
- 10 after June 30, ~~2003~~, **2007**, including a purchase described in
- 11 IC 5-22-8-2 or IC 5-22-8-3. A state agency may not purchase **tangible**
- 12 **personal** property ~~or services~~ from a person that is delinquent in the
- 13 payment of amounts due from the person under IC 6-2.5 (gross retail
- 14 and use tax) unless the person provides a statement from the

1 department of state revenue that the person's delinquent tax liability:
 2 (1) has been satisfied; or
 3 (2) has been released under IC 6-8.1-8-2.
 4 (c) The purchasing agent may award a contract to an offeror pending
 5 the offeror's registration with the secretary of state. If, in the judgment
 6 of the purchasing agent, the offeror has not registered within a
 7 reasonable period, the purchasing agent shall cancel the contract. An
 8 offeror has no cause of action based on the cancellation of a contract
 9 under this subsection.

10 SECTION 2. IC 6-2.5-4-14 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. The department of
 12 administration and each purchasing agent for a state educational
 13 institution (as defined in IC 20-12-0.5-1) shall provide the department
 14 with a list of every person who desires to enter into a contract to sell
 15 **tangible personal** property ~~or services~~ to an agency (as defined in
 16 IC 4-13-2-1) or a state educational institution. The department shall
 17 notify the department of administration or the purchasing agent of the
 18 state educational institution if a person on the list does not have a
 19 registered retail merchant certificate or is delinquent in remitting or
 20 paying amounts due to the department under this article.

21 SECTION 3. IC 6-2.5-8-10 IS REPEALED [EFFECTIVE JULY 1,
 22 2007].

(Reference is to HB 1063 as introduced.)

and when so amended that said bill do pass.

Representative Crawford