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WITHDRAWN	Noes _____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

HOUSE MOTION ____

MR. SPEAKER:

I move that Engrossed Senate Bill 309 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-12-1-15.7, AS ADDED BY P.L.146-2008, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 15.7. (a) As used in this section, "fund" refers to the state tuition reserve fund.

(b) The state tuition reserve fund is established for the following purposes:

(1) To fund a tuition support distribution under IC 20-43 whenever the budget director determines that state general fund cash balances are insufficient to cover the distribution.

(2) To meet revenue shortfalls whenever the budget director, after review by the budget committee, determines that state tax revenues available for deposit in the state general fund will be insufficient to fully fund tuition support distributions under IC 20-43 in any particular state fiscal year.

(3) To make distributions to school corporations under subsection (h).

(c) The fund consists of the following:

(1) Money appropriated to the fund by the general assembly.

(2) Money transferred to the fund under any law.

(3) Interest earned on the balance of the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert for any other purpose of the state general fund.

(f) The budget agency shall administer the fund.

(g) This subsection does not apply to the balance in the fund described in subsection (h). Whenever the budget director makes a determination under subsection (b)(1) or (b)(2), the budget agency shall notify the auditor of state of the amount from the fund to be used for state tuition support distributions. The auditor of state shall transfer the amount from the fund to the state general fund. The amount transferred may be used only for the purposes of making state tuition support distributions under IC 20-43. If the amount is transferred under subsection (b)(1), the amount shall be repaid to the fund from the state general fund before the end of the state fiscal year in which the transfer is made.

(h) The budget agency shall separately account for money in the fund that is deposited under IC 20-32-9-10. The amount deposited in the special account under IC 20-32-9-10 is annually appropriated to the department of education for the purpose of providing reading remediation to students who:

(1) are enrolled in kindergarten, grade 1, or grade 2; and

(2) have a substantial deficiency in reading, based upon local or statewide assessments conducted for students in kindergarten, grade 1, and grade 2.

The amount deposited in the fund under IC 20-32-9-10 shall be distributed to school corporations under a formula adopted by the state board of education. The state board of education may limit distributions under this subsection for use in kindergarten, grade 1, and grade 2 in schools on a probationary status under IC 20-31-4-12, IC 20-31-4-14, or IC 20-31-4-15. An unexpended and unencumbered amount in the special account at the end of a state fiscal year does not revert for use under subsection (g) or revert to the state general fund at the end of a state fiscal year but remains available in the special account in subsequent state fiscal years for the purposes of this subsection.".

Page 4, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 4. IC 20-32-9 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 9. Fee on Negative Political Advertising

Sec. 1. As used in this chapter, "negative political advertisement" means any false, exaggerated, demeaning, or

misleading message, programming material, or other material that is broadcast or otherwise disseminated in Indiana through a public communication in exchange for any remuneration that predominately focuses on the negative aspects of an opponent or policy and that is intended to or attempts to influence:

(1) the:

(A) selection, nomination, election, appointment, or removal of any individual to:

(i) any federal, state, or local public office; or

(ii) office in a political organization; or

(B) election of presidential or vice presidential electors;

whether or not the individual or electors are selected, nominated, elected, or appointed;

(2) the adoption of, the amendment of, the repeal of, the defeat of, the conduct of a hearing on, or the conduct or termination of any other official action related to any legislation, ordinance, resolution, or regulation of a federal, state, or local governmental entity or matter within the legislative jurisdiction of any federal, state, or local governmental entity, including the exercise of the powers of the president, the governor, a mayor, or another chief executive to sign, not sign, or approve legislation, an ordinance, a resolution, or a regulation;

(3) the adoption of or defeat of a public question (as defined in IC 3-5-2-41) or a petition to place a public question (as defined in IC 3-5-2-41) on a ballot; or

(4) the solicitation of contributions to influence conduct described in subdivision (1), (2), or (3).

The term includes a message, programming material, or other material designed to influence public opinion (including the opinion of any segment of the public) or directed, through the medium of a public communication, to one (1) or more members or employees of a governmental legislative body, or to any government official or employee who may participate in an action described in subdivision (1), (2), (3), or (4).

Sec. 2. As used in this chapter, "public communication" means a communication by means of a broadcast, cable, or satellite communication. However, the term does not include communications over the Internet, except for communications placed for a fee on another person's web site.

Sec. 3. As used in this chapter, "remuneration" means a transfer (whether characterized as an advance, a deposit, a distribution, a gift, a loan, a payment, a purchase, or a contract or promise to make a disbursement) of property (as defined in IC 35-41-1-23) that is made to prepare, place, broadcast, display, or distribute a political advertisement.

Sec. 4. A fee is imposed on the amount of remuneration that an

individual or entity exchanges after June 30, 2010, for negative political advertising.

Sec. 5. The amount of the fee under section 4 of this chapter is equal to fifty dollars ($50) for each time that a negative political advertisement is aired over public communication.

Sec. 6. The department of state revenue shall administer this chapter.

Sec. 7. The fee imposed under this chapter shall be paid to the department of state revenue in the manner prescribed by the department of state revenue before the twentieth day of the month following the date remuneration is transferred to another individual or entity for a negative political advertisement. However, the department of state revenue may permit a longer time in which to remit an amount that does not exceed a threshold amount determined by the department of state revenue.

Sec. 8. Individuals and entities shall file the returns and informational reports that the department of state revenue determines are necessary for the department of state revenue to determine the fee due under this chapter.

Sec. 9. The administrative procedures and penalties for noncompliance under IC 6-8.1 apply to a fee imposed under this chapter.

Sec. 10. The amounts collected by the department of state revenue from the fee imposed by this chapter shall be deposited in a separate account in the state tuition reserve fund established by IC 4-12-1-15.7 for the purposes of providing reading remediation to students who:

(1) are enrolled in kindergarten, grade 1, or grade 2; and

(2) have a substantial deficiency in reading, based upon local or statewide assessments conducted for all students in kindergarten, grade 1, and grade 2.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 309 as printed February 22, 2010.)

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Representative Goodin