

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WITHDRAWN	Noes _____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

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 401 be amended to read as follows:

- 1 Page 16, after line 38, begin a new paragraph and insert:
- 2 "SECTION 5. IC 20-46-1-7, AS AMENDED BY P.L.182-2009(ss),
- 3 SECTION 345, IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) This section applies to a
- 5 school corporation that added an amount to the school corporation's
- 6 base tax levy before 2002 as the result of the approval of an excessive
- 7 tax levy by the majority of individuals voting in a referendum held in
- 8 the area served by the school corporation under IC 6-1.1-19-4.5 (before
- 9 its repeal).
- 10 (b) A school corporation may adopt a resolution before September
- 11 21, 2005, to transfer the power of the school corporation to levy the
- 12 amount described in subsection (a) from the school corporation's
- 13 general fund to the school corporation's fund. A school corporation that
- 14 adopts a resolution under this section shall, as soon as practicable after
- 15 adopting the resolution, send a certified copy of the resolution to the
- 16 department of local government finance and the county auditor. A
- 17 school corporation that adopts a resolution under this section may, for
- 18 property taxes first due and payable after 2005, levy an additional
- 19 amount for the fund that does not exceed the amount of the excessive
- 20 tax levy added to the school corporation's base tax levy before 2002.
- 21 (c) The power of the school corporation to impose the levy
- 22 transferred to the fund under this section expires December 31, 2012,
- 23 unless:
- 24 (1) the school corporation adopts a resolution to reimpose or
- 25 extend the levy; and

1 (2) the levy is approved, before January 1, 2013, by a majority of  
 2 the individuals who vote in a referendum that is conducted in  
 3 accordance with the requirements in this chapter.  
 4 As soon as practicable after adopting the resolution under subdivision  
 5 (1), the school corporation shall send a certified copy of the resolution  
 6 to the **department of local government finance and the** county  
 7 auditor. However, if requested by the school corporation in the  
 8 resolution adopted under subdivision (1), the question of reimposing  
 9 or extending a levy transferred to the fund under this section may be  
 10 combined with a question presented to the voters to reimpose or extend  
 11 a levy initially imposed after 2001. A levy reimposed or extended  
 12 under this subsection shall be treated for all purposes as a levy  
 13 reimposed or extended under this chapter.  
 14 (d) The school corporation's levy under this section may not be  
 15 considered in the determination of the school corporation's state tuition  
 16 support distribution under IC 20-43 or the determination of any other  
 17 property tax levy imposed by the school corporation.  
 18 SECTION 6. IC 20-46-1-8, AS AMENDED BY P.L.146-2008,  
 19 SECTION 495, IS AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2010]: Sec. 8. (a) Subject to this chapter, the  
 21 governing body of a school corporation may adopt a resolution to place  
 22 a referendum under this chapter on the ballot for either of the following  
 23 purposes:  
 24 (1) The governing body of the school corporation determines that  
 25 it cannot, in a calendar year, carry out its public educational duty  
 26 unless it imposes a referendum tax levy under this chapter.  
 27 (2) The governing body of the school corporation determines that  
 28 a referendum tax levy under this chapter should be imposed to  
 29 replace property tax revenue that the school corporation will not  
 30 receive because of the application of the credit under  
 31 IC 6-1.1-20.6.  
 32 (b) The governing body of the school corporation shall certify a  
 33 copy of the resolution to the **department of local government finance**  
 34 **and the** county fiscal body of each county in which the school  
 35 corporation is located."  
 36 Renumber all SECTIONS consecutively.  
 (Reference is to ESB 401 as printed February 12, 2010.)

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Representative Thompson