

Adopted

Rejected

MINORITY COMMITTEE REPORT

MR. SPEAKER:

*A minority of your Committee on Education, which met on January 25, 2010, to consider House Bill 1367, 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 20-40-16 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2010]:
- 5 **Chapter 16. School Fund Transfers**
- 6 **Sec. 1. As used in this chapter, "fund" means any of the**
- 7 **following funds of a school corporation:**
- 8 (1) **The general fund (IC 20-40-2).**
- 9 (2) **The racial balance fund (IC 20-40-5).**
- 10 (3) **The school transportation fund (IC 20-40-6).**
- 11 (4) **The school bus replacement fund (IC 20-40-7).**
- 12 (5) **The capital projects fund (IC 20-40-8).**
- 13 (6) **The levy excess fund (IC 20-40-10).**
- 14 (7) **The repair and replacement fund (IC 20-40-11).**

1 **(8) The self-insurance fund (IC 20-40-12).**

2 **(9) The school technology fund (IC 20-40-15).**

3 **The term does not include the debt service fund established under**
4 **IC 20-40-9.**

5 **Sec. 2. As used in this chapter, "qualified school corporation"**
6 **means a school corporation in which all of the employees will not**
7 **receive a general compensation increase for the 2010-2011 school**
8 **year as set forth in a resolution adopted by the governing body of**
9 **the school corporation and as determined by the department of**
10 **education. A general compensation increase:**

11 **(1) includes an increase in salary, employee health insurance**
12 **benefits, and an increase under IC 20-28-9-2 or IC 20-28-9-3;**
13 **and**

14 **(2) does not include an incidental or automatic increase**
15 **caused by tax or federal insurance contribution act provisions**
16 **or an increase in the employer's contribution to the teachers'**
17 **retirement fund or the public employees' retirement fund.**

18 **Sec. 3. (a) If a school corporation desires to make a transfer**
19 **under this chapter, the school corporation must do the following**
20 **before August 1, 2010:**

21 **(1) The governing board of the school corporation must adopt**
22 **a resolution:**

23 **(A) requesting that the department of education permit a**
24 **transfer from one (1) or more funds to one (1) or more**
25 **other funds during 2010 or 2011, or both; and**

26 **(B) certifying that the school corporation will not provide**
27 **any general compensation increases to any employees for**
28 **the 2010-2011 school year and will permanently eliminate**
29 **any foregone increase when considering compensation**
30 **increases after the 2010-2011 school year.**

31 **(2) The school corporation must file a notice with the**
32 **department of education providing a certified copy of the**
33 **resolution and any other information required by the**
34 **department of education.**

35 **(b) The maximum amount that may be transferred from all**
36 **funds under this chapter is the amount the school corporation's**
37 **state tuition support is reduced for 2010 and 2011, as determined**
38 **by the department of education.**

- 1 **(c) If a fund to fund transfer is made during a year, the school**
- 2 **corporation shall file a report with the department within three (3)**
- 3 **months after the end of the year. The report must include the**
- 4 **following:**
- 5 **(1) The purpose of the transfer.**
- 6 **(2) The funds involved in the transfer.**
- 7 **(3) The amount transferred between the funds.**
- 8 **(4) The impact of the transfer to the programs that are**
- 9 **supported by the fund from which the transfer was made.**
- 10 **Sec. 4. A transfer is not permitted under this chapter after**
- 11 **December 31, 2011.**
- 12 **Sec. 5. This chapter expires June 30, 2012.**
 (Reference is to HB 1367 as introduced.)

and when so amended that said bill do pass.

Representative Behning