

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WITHDRAWN	Noes _____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

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

MR. SPEAKER:

I move that House Bill 1402 be amended to read as follows:

- 1 Page 6, line 18, delete "In" and insert "**Subject to subsections (d)**
- 2 **and (e), in**".
- 3 Page 6, line 22, delete "determination" and insert "**determinations**".
- 4 Page 6, line 23, delete "subsection (d)." and insert "**subsection (d)**
- 5 **and complies with subsection (e)**".
- 6 Page 6, line 25, delete "In" and insert "**Subject to subsection (e),**
- 7 **in**".
- 8 Page 6, line 30, delete "and".
- 9 Page 6, line 38, delete "." and insert "**; and**
- 10 **(3) preliminarily determining to increase the county option**
- 11 **income tax rate under subsection (c).**
- 12 **(e) A county fiscal body may not increase the rate of the county**
- 13 **option income tax under subsection (c) without completing the**
- 14 **following procedures:**
- 15 **(1) The county fiscal body shall:**
- 16 **(A) publish notice in accordance with IC 5-3-1 of any**
- 17 **meeting to consider the adoption of an ordinance making**
- 18 **a preliminary determination to increase the rate of the**
- 19 **county option income tax under subsection (c); and**
- 20 **(B) conduct a public hearing on the preliminary**
- 21 **determination before adoption of the ordinance.**
- 22 **(2) If the county fiscal body makes a preliminary**
- 23 **determination to increase the rate of the county option income**
- 24 **tax under subsection (c), the county fiscal body shall:**
- 25 **(A) publish notice by publication in accordance with**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

**IC 5-3-1 of:**

- (i) the amount of the proposed rate increase;**
- (ii) the effective date of the proposed rate increase;**
- (iii) the purpose of the proposed rate increase; and**
- (iv) a statement that the proposed rate increase is subject to an election on a local public question under this section; and**

**(B) direct the county auditor to certify the public question under subsection (f).**

**(f) If the county auditor is directed under subsection (e)(2)(B) to certify the public question, the county auditor shall, under IC 3-10-9-3, certify the following public question to the county election board of the county:**

**"Shall \_\_\_\_\_ (insert the name of the county) increase the rate of the county option income tax by .25% to fund the financing, construction, acquisition, improvement, renovation, or equipping of jail facilities?"**

**(g) After the public question is certified, the public question shall be placed on the ballot at the next election in which all voters of the county are entitled to vote.**

**(h) The circuit court clerk shall certify the results of the public question to the following:**

- (1) The county auditor.**
- (2) The department.**
- (3) The department of local government finance.**

**(i) If a majority of the voters voting on the public question vote in favor of the public question, the increase in the rate of the county option income tax by twenty-five hundredths percent (.25%) applies to the imposition of county option income taxes after the next June 30 following the certification by the circuit court clerk of the results of the public question to the county auditor under subsection (h).**

**(j) If a majority of the voters voting on the public question vote in opposition to the public question, both of the following apply:**

- (1) The county fiscal body may not impose the proposed increase in the rate of the county option income tax.**
- (2) Another public question to increase the rate of the county option income tax under this section may not be submitted to the voters earlier than one (1) year after the date of the election.**

**(k) IC 3, to the extent not inconsistent with this section, applies to an election held under this section.**

**(l) The county fiscal body may adopt an ordinance to rescind the additional tax rate".**

Page 6, delete lines 39 through 42.  
Page 7, delete line 1.

- 1 Page 7, line 3, delete "section," and insert "**subsection**".
  - 2 Page 7, line 6, delete "section" and insert "**subsection**".
  - 3 Page 7, line 8, delete "section" and insert "**subsection**".
  - 4 Page 7, line 11, delete "(f)" and insert "**(m)**".
  - 5 Page 7, line 17, delete "(g)" and insert "**(n)**".
  - 6 Page 7, line 24, delete "(h)" and insert "**(o)**".
  - 7 Page 7, line 26, delete "(i)" and insert "**(p)**".
- (Reference is to HB 1402 as printed January 27, 2006.)

---

Representative Yount