

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1003 be amended to read as follows:

- 1 Page 2, between lines 13 and 14, begin a new paragraph and insert:
2 "SECTION 4. IC 20-20-38 IS ADDED TO THE INDIANA CODE
3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2011]:
5 **Chapter 38. Litigation Fund**
6 **Sec. 1. As used in this chapter, "fund" refers to the litigation**
7 **fund for constitutional challenges established by section 2 of this**
8 **chapter.**
9 **Sec. 2. (a) The litigation fund for constitutional challenges is**
10 **established to provide:**
11 **(1) money for school corporations; and**
12 **(2) dedicated funding for the state;**
13 **in defending lawsuits based on constitutional challenges to state**
14 **education statutes. The department shall administer the fund.**
15 **(b) The fund consists of appropriations from the general**
16 **assembly, gifts, grants, and bequests.**
17 **Sec. 3. (a) Whenever a school corporation is sued and the suit**
18 **challenges the constitutionality of a state education statute, the**
19 **school corporation is entitled to reimbursement from the fund of**
20 **the school corporation's costs in defending the suit.**
21 **(b) The department shall develop an application process for use**
22 **by a school corporation seeking reimbursement of costs.**
23 **Sec. 4. (a) Whenever the state is sued and the suit challenges the**
24 **constitutionality of a state education statute, the attorney general**
25 **is entitled to reimbursement from the fund of the attorney**
26 **general's costs in defending the suit.**
27 **(b) The department shall develop a process by which money**
28 **from the fund is transferred to the attorney general."**
29 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1003 as printed April 15, 2011.)

Senator LANANE