

Adopted	Rejected
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COMMITTEE REPORT

YES:	17
NO:	0

MR. SPEAKER:

*Your Committee on Ways and Means, to which was referred Senate Bill 262, 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 the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning state
- 3 and local administration.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 6-1.1-17-5, AS AMENDED BY P.L.182-2009(ss),
- 7 SECTION 116, IS AMENDED TO READ AS FOLLOWS
- 8 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The officers of political
- 9 subdivisions shall meet each year to fix the budget, tax rate, and tax
- 10 levy of their respective subdivisions for the ensuing budget year as
- 11 follows:
- 12 (1) The board of school trustees of a school corporation that is
- 13 located in a city having a population of more than one hundred
- 14 five thousand (105,000) but less than one hundred twenty
- 15 thousand (120,000), not later than:

- 1 (A) the time required in section 5.6(b) of this chapter; or
 2 (B) ~~for budget years beginning before July 1, 2011,~~ November
 3 1 if a resolution adopted under section 5.6(d) of this chapter is
 4 in effect.
- 5 (2) The proper officers of all other political subdivisions **that are**
 6 **not school corporations**, not later than November 1.
- 7 (3) The governing body of ~~each a~~ school corporation (~~including~~
 8 **(other than a school corporation described in subdivision (1))**
 9 **that elects to adopt a budget under section 5.6 of this chapter**
 10 **for budget years beginning after June 30, 2011**, not later than
 11 the time required under section 5.6(b) of this chapter for budget
 12 years beginning after June 30, 2011.
- 13 **(4) The governing body of a school corporation that is not**
 14 **described in subdivisions (1) or (3), not later than November**
 15 **1.**
- 16 Except in a consolidated city and county and in a second class city, the
 17 public hearing required by section 3 of this chapter must be completed
 18 at least ten (10) days before the proper officers of the political
 19 subdivision meet to fix the budget, tax rate, and tax levy. In a
 20 consolidated city and county and in a second class city, that public
 21 hearing, by any committee or by the entire fiscal body, may be held at
 22 any time after introduction of the budget.
- 23 (b) Ten (10) or more taxpayers may object to a budget, tax rate, or
 24 tax levy of a political subdivision fixed under subsection (a) by filing
 25 an objection petition with the proper officers of the political
 26 subdivision not more than seven (7) days after the hearing. The
 27 objection petition must specifically identify the provisions of the
 28 budget, tax rate, and tax levy to which the taxpayers object.
- 29 (c) If a petition is filed under subsection (b), the fiscal body of the
 30 political subdivision shall adopt with its budget a finding concerning
 31 the objections in the petition and any testimony presented at the
 32 adoption hearing.
- 33 (d) This subsection does not apply to a school corporation. Each
 34 year at least two (2) days before the first meeting of the county board
 35 of tax adjustment held under IC 6-1.1-29-4, a political subdivision shall
 36 file with the county auditor:
- 37 (1) a statement of the tax rate and levy fixed by the political
 38 subdivision for the ensuing budget year;

1 (2) two (2) copies of the budget adopted by the political
2 subdivision for the ensuing budget year; and

3 (3) two (2) copies of any findings adopted under subsection (c).
4 Each year the county auditor shall present these items to the county
5 board of tax adjustment at the board's first meeting under
6 IC 6-1.1-29-4.

7 (e) In a consolidated city and county and in a second class city, the
8 clerk of the fiscal body shall, notwithstanding subsection (d), file the
9 adopted budget and tax ordinances with the county board of tax
10 adjustment within two (2) days after the ordinances are signed by the
11 executive, or within two (2) days after action is taken by the fiscal body
12 to override a veto of the ordinances, whichever is later.

13 (f) If a fiscal body does not fix the budget, tax rate, and tax levy of
14 the political subdivisions for the ensuing budget year as required under
15 this section, the most recent annual appropriations and annual tax levy
16 are continued for the ensuing budget year.

17 SECTION 2. IC 6-1.1-17-5.6, AS AMENDED BY
18 P.L.182-2009(ss), SECTION 117, IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.6. (a) For budget
20 years beginning before July 1, 2011, this section applies only to a
21 school corporation that is located in a city having a population of more
22 than one hundred five thousand (105,000) but less than one hundred
23 twenty thousand (120,000). For budget years beginning after June 30,
24 2011, this section applies to all school corporations. Beginning in 2011,
25 each school corporation ~~shall~~ **may elect to** adopt a budget under this
26 section that applies from July 1 of the year through June 30 of the
27 following year. In the initial budget adopted by a school corporation ~~in~~
28 ~~2011~~ under this section, the first six (6) months of that initial budget
29 must be consistent with the last six (6) months of the budget adopted
30 by the school corporation for ~~the~~ **calendar year 2011: in which the**
31 **school corporation elects by resolution to begin adopting budgets**
32 **that correspond to the state fiscal year. A corporation shall submit**
33 **a copy of the resolution to the department of local government**
34 **finance and the department of education not more than thirty (30)**
35 **days after the date the governing body adopts the resolution.**

36 (b) Before February 1 of each year, the officers of the school
37 corporation shall meet to fix the budget for the school corporation for
38 the ensuing budget year, with notice given by the same officers.

1 However, if a resolution adopted under subsection (d) is in effect, the
 2 officers shall meet to fix the budget for the ensuing budget year before
 3 ~~September 30.~~ **November 1.**

4 (c) Each year, at least two (2) days before the first meeting of the
 5 county board of tax adjustment held under IC 6-1.1-29-4, the school
 6 corporation shall file with the county auditor:

7 (1) a statement of the tax rate and tax levy fixed by the school
 8 corporation for the ensuing budget year;

9 (2) two (2) copies of the budget adopted by the school corporation
 10 for the ensuing budget year; and

11 (3) any written notification from the department of local
 12 government finance under section 16(i) of this chapter that
 13 specifies a proposed revision, reduction, or increase in the budget
 14 adopted by the school corporation for the ensuing budget year.

15 Each year the county auditor shall present these items to the county
 16 board of tax adjustment at the board's first meeting under
 17 IC 6-1.1-29-4.

18 (d) ~~This subsection does not apply to budget years after June 30,~~
 19 ~~2011.~~ The governing body of the school corporation may adopt a
 20 resolution to cease using a school year budget year and return to using
 21 a calendar year budget year. A resolution adopted under this subsection
 22 must be adopted after January 1 and before July 1. The school
 23 corporation's initial calendar year budget year following the adoption
 24 of a resolution under this subsection begins on January 1 of the year
 25 following the year the resolution is adopted. The first six (6) months of
 26 the initial calendar year budget for the school corporation must be
 27 consistent with the last six (6) months of the final school year budget
 28 fixed by the department of local government finance before the
 29 adoption of a resolution under this subsection. ~~Notwithstanding any~~
 30 ~~resolution adopted under this subsection, beginning in 2011, each~~
 31 ~~school corporation shall adopt a budget under this section that applies~~
 32 ~~from July 1 of the year through June 30 of the following year.~~

33 (e) A resolution adopted under subsection (d) may be rescinded by
 34 a subsequent resolution adopted by the governing body. If the
 35 governing body of the school corporation rescinds a resolution adopted
 36 under subsection (d) and returns to a school year budget year, the
 37 school corporation's initial school year budget year begins on July 1
 38 following the adoption of the rescinding resolution and ends on June

1 30 of the following year. The first six (6) months of the initial school
 2 year budget for the school corporation must be consistent with the last
 3 six (6) months of the last calendar year budget fixed by the department
 4 of local government finance before the adoption of a rescinding
 5 resolution under this subsection.

6 SECTION 3. IC 20-46-5-6.1, AS ADDED BY P.L.182-2009(ss),
 7 SECTION 349, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2010]: Sec. 6.1. (a) This section does not apply
 9 to a school corporation ~~located in South Bend;~~ **that elects to adopt a**
 10 **budget under IC 6-1.1-17-5.6**, unless a resolution adopted under
 11 IC 6-1.1-17-5.6(d) by the governing body of the school corporation is
 12 in effect.

13 (b) Before a governing body may collect property taxes for the fund
 14 in a particular calendar year, the governing body must, after January 1
 15 and not later than September 20 of the immediately preceding year:

16 (1) conduct a public hearing on; and

17 (2) pass a resolution to adopt;

18 a plan.

19 ~~(c) This section expires January 1, 2011.~~

20 SECTION 4. IC 20-46-5-7, AS AMENDED BY P.L.182-2009(ss),
 21 SECTION 350, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) ~~Except as provided in~~
 23 ~~subsection (b);~~ This section applies only to a school corporation ~~located~~
 24 ~~in South Bend;~~ **that elects to adopt a budget under IC 6-1.1-17-5.6.**

25 ~~(b) After December 31, 2010; this section applies to all school~~
 26 ~~corporations:~~

27 ~~(c) This subsection expires January 1, 2011.~~ (b) This section does
 28 not apply to the school corporation if a resolution adopted under
 29 IC 6-1.1-17-5.6(d) by the governing body of the school corporation is
 30 in effect.

31 ~~(d)~~ (c) Before the governing body of the school corporation may
 32 collect property taxes for the fund in a particular calendar year, the
 33 governing body must, after January 1 and on or before February 1 of
 34 the immediately preceding year:

35 (1) conduct a public hearing on; and

36 (2) pass a resolution to adopt;

37 a plan.

38 SECTION 5. IC 20-46-6-8.1, AS ADDED BY P.L.182-2009(ss),

1 SECTION 353, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2010]: Sec. 8.1. (a) This section does not apply
 3 to a school corporation that ~~is located in South Bend;~~ **elects to adopt**
 4 **a budget under IC 6-1.1-17-5.6**, unless a resolution adopted under
 5 IC 6-1.1-17-5.6(d) by the governing body of the school corporation is
 6 in effect.

7 (b) Before a governing body may collect property taxes for a capital
 8 projects fund in a particular year, the governing body must:

- 9 (1) after January 1; and
 10 (2) not later than September 20;

11 of the immediately preceding year, hold a public hearing on a proposed
 12 or amended plan and pass a resolution to adopt the proposed or
 13 amended plan.

14 ~~(c) This section expires January 1, 2011.~~

15 SECTION 6. IC 20-46-6-9, AS AMENDED BY P.L.182-2009(ss),
 16 SECTION 354, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2010]: Sec. 9. (a) This section applies only to
 18 a school corporation that ~~is located in South Bend;~~ **elects to adopt a**
 19 **budget under IC 6-1.1-17-5.6**. However, this section does not apply
 20 to the school corporation if a resolution adopted under
 21 IC 6-1.1-17-5.6(d) by the governing body of the school corporation is
 22 in effect.

23 (b) Before the governing body of the school corporation may collect
 24 property taxes for a fund in a particular year, the governing body must:

- 25 (1) after January 1; and
 26 (2) before February 2;

27 of the immediately preceding year, hold a public hearing on a proposed
 28 or amended plan and pass a resolution to adopt the proposed or

- 1 amended plan."
- 2 Page 3, line 36, delete "contract." and insert "**event.**".
- 3 Renumber all SECTIONS consecutively.
(Reference is to SB 262 as printed January 29, 2010.)

and when so amended that said bill do pass.

Representative Crawford