
SENATE BILL No. 27

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-20.

Synopsis: Local debt petition and referendum process. Provides that in the case of a political subdivision proposing to issue debt, it is not considered use of public funds for a public official to advocate in a speech during normal business hours for or against a position on a petition or remonstrance for the issuance of the debt or on a resulting public question. Permits a student to use school equipment or facilities to report or editorialize on a petition or remonstrance in a student newspaper or broadcast.

Effective: July 1, 2011.

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January 5, 2011, read first time and referred to Committee on Appropriations.

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First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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SENATE BILL No. 27



A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-1.1-20-10, AS AMENDED BY P.L.182-2009(ss),
2 SECTION 148, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) This section applies to a
4 political subdivision that adopts an ordinance or a resolution making
5 a preliminary determination to issue bonds or enter into a lease. During
6 the period commencing with the adoption of the ordinance or
7 resolution and, if a petition and remonstrance process is commenced
8 under section 3.2 of this chapter, continuing through the sixty (60) day
9 period commencing with the notice under section 3.2(b)(1) of this
10 chapter, the political subdivision seeking to issue bonds or enter into
11 a lease for the proposed controlled project may not promote a position
12 on the petition or remonstrance by doing any of the following:

13 (1) Allowing facilities or equipment, including mail and
14 messaging systems, owned by the political subdivision to be used
15 for public relations purposes to promote a position on the petition
16 or remonstrance, unless equal access to the facilities or equipment
17 is given to persons with a position opposite to that of the political



1 subdivision.

2 (2) Making an expenditure of money from a fund controlled by

3 the political subdivision to promote a position on the petition or

4 remonstrance or to pay for the gathering of signatures on a

5 petition or remonstrance. This subdivision does not prohibit a

6 political subdivision from making an expenditure of money to an

7 attorney, an architect, registered professional engineer, a

8 construction manager, or a financial adviser for professional

9 services provided with respect to a controlled project.

10 (3) Using an employee to promote a position on the petition or

11 remonstrance during the employee's normal working hours or paid

12 overtime, or otherwise compelling an employee to promote a

13 position on the petition or remonstrance at any time.

14 (4) In the case of a school corporation, promoting a position on a

15 petition or remonstrance by:

16 (A) using students to transport written materials to their

17 residences or in any way directly involving students in a

18 school organized promotion of a position; or

19 (B) including a statement within another communication sent

20 to the students' residences.

21 However, this section does not prohibit an employee of the political

22 subdivision from carrying out duties with respect to a petition or

23 remonstrance that are part of the normal and regular conduct of the

24 employee's office or agency.

25 (b) A person may not solicit or collect signatures for a petition or

26 remonstrance on property owned or controlled by the political

27 subdivision.

28 (c) The staff and employees of a school corporation may not

29 personally identify a student as the child of a parent or guardian who

30 supports or opposes a petition or remonstrance.

31 (d) A person or an organization that has a contract or arrangement

32 (whether formal or informal) with a school corporation for the use of

33 any of the school corporation's facilities may not spend any money to

34 promote a position on the petition or remonstrance. A person or an

35 organization that violates this subsection commits a Class A infraction.

36 (e) An attorney, an architect, registered professional engineer, a

37 construction manager, or a financial adviser for professional services

38 provided with respect to a controlled project may not spend any money

39 to promote a position on the petition or remonstrance. A person who

40 violates this subsection:

41 (1) commits a Class A infraction; and

42 (2) is barred from performing any services with respect to the

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controlled project.
(f) An elected or appointed public official of the political subdivision may personally advocate for or against a position on the petition or remonstrance so long as it is not done by using public funds. **However, it is not considered use of public funds for a public official to advocate for or against a position on the petition or remonstrance in a speech during normal business hours.**

(g) A student may use school equipment or facilities to report or editorialize about a petition or remonstrance as part of the news coverage of the petition or remonstrance by a student newspaper or broadcast.

SECTION 2. IC 6-1.1-20-10.1, AS AMENDED BY P.L.182-2009(ss), SECTION 149, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10.1. (a) This section applies only to a political subdivision that, after June 30, 2008, adopts an ordinance or a resolution making a preliminary determination to issue bonds or enter into a lease subject to sections 3.5 and 3.6 of this chapter.

(b) During the period beginning with the adoption of the ordinance or resolution and continuing through the day on which a local public question is submitted to the voters of the political subdivision under section 3.6 of this chapter, the political subdivision seeking to issue bonds or enter into a lease for the proposed controlled project may not promote a position on the local public question by doing any of the following:

- (1) Allowing facilities or equipment, including mail and messaging systems, owned by the political subdivision to be used for public relations purposes to promote a position on the local public question, unless equal access to the facilities or equipment is given to persons with a position opposite to that of the political subdivision.
- (2) Making an expenditure of money from a fund controlled by the political subdivision to promote a position on the local public question. This subdivision does not prohibit a political subdivision from making an expenditure of money to an attorney, an architect, a registered professional engineer, a construction manager, or a financial adviser for professional services provided with respect to a controlled project.
- (3) Using an employee to promote a position on the local public question during the employee's normal working hours or paid overtime, or otherwise compelling an employee to promote a position on the local public question at any time.

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1 (4) In the case of a school corporation, promoting a position on a
 2 local public question by:
 3 (A) using students to transport written materials to their
 4 residences or in any way directly involving students in a
 5 school organized promotion of a position; or
 6 (B) including a statement within another communication sent
 7 to the students' residences.
 8 However, this section does not prohibit an employee of the political
 9 subdivision from carrying out duties with respect to a local public
 10 question that are part of the normal and regular conduct of the
 11 employee's office or agency.
 12 (c) The staff and employees of a school corporation may not
 13 personally identify a student as the child of a parent or guardian who
 14 supports or opposes a controlled project subject to a local public
 15 question held under section 3.6 of this chapter.
 16 (d) A person or an organization that has a contract or arrangement
 17 (whether formal or informal) with a school corporation for the use of
 18 any of the school corporation's facilities may not spend any money to
 19 promote a position on a local public question. A person or an
 20 organization that violates this subsection commits a Class A infraction.
 21 (e) An attorney, an architect, a registered professional engineer, a
 22 construction manager, or a financial adviser for professional services
 23 provided with respect to a controlled project may not spend any money
 24 to promote a position on a local public question. A person who violates
 25 this subsection:
 26 (1) commits a Class A infraction; and
 27 (2) is barred from performing any services with respect to the
 28 controlled project.
 29 (f) An elected or appointed public official of the political
 30 subdivision may personally advocate for or against a position on the
 31 local public question so long as it is not done by using public funds.
 32 **However, it is not considered use of public funds for a public**
 33 **official to advocate for or against a position on the local public**
 34 **question in a speech during normal business hours.**
 35 (g) A student may use school equipment or facilities to report or
 36 editorialize about a local public question as part of the news coverage
 37 of the referendum by a student newspaper or broadcast.

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