
SENATE BILL No. 323

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-46-1.

Synopsis: School referendum levy. Removes the county fiscal body from the school operating levy referendum process. Provides that the county fiscal body is not required to certify the referendum question. Repeals superseded provision.

Effective: July 1, 2011.

Banks, Kruse

January 10, 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. 323



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

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

1 SECTION 1. IC 20-46-1-8, AS AMENDED BY P.L.41-2010,
 2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2011]: Sec. 8. (a) Subject to this chapter, the governing body
 4 of a school corporation may adopt a resolution to place a referendum
 5 under this chapter on the ballot for either of the following purposes:
 6 (1) The governing body of the school corporation determines that
 7 it cannot, in a calendar year, carry out its public educational duty
 8 unless it imposes a referendum tax levy under this chapter.
 9 (2) The governing body of the school corporation determines that
 10 a referendum tax levy under this chapter should be imposed to
 11 replace property tax revenue that the school corporation will not
 12 receive because of the application of the credit under
 13 IC 6-1.1-20.6.
 14 (b) The governing body of the school corporation shall certify a
 15 copy of the resolution to:
 16 (1) the department of local government finance; and
 17 (2) the:



1 (A) county fiscal body **(for informational purposes only);**
 2 **and**
 3 **(B) circuit court clerk;**
 4 of each county in which the school corporation is located.
 5 SECTION 2. IC 20-46-1-13, AS AMENDED BY P.L.146-2008,
 6 SECTION 498, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2011]: Sec. 13. Each county clerk shall, upon
 8 receiving the question certified by the ~~county fiscal body governing~~
 9 **body of a school corporation** under this chapter, call a meeting of the
 10 county election board to make arrangements for the referendum.
 11 SECTION 3. IC 20-46-1-15, AS AMENDED BY P.L.146-2008,
 12 SECTION 500, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2011]: Sec. 15. Each county election board
 14 shall cause:
 15 (1) the question certified to the circuit court clerk by the ~~county~~
 16 **fiscal body governing body of a school corporation** to be placed
 17 on the ballot in the form prescribed by IC 3-10-9-4; and
 18 (2) an adequate supply of ballots and voting equipment to be
 19 delivered to the precinct election board of each precinct in which
 20 the referendum is to be held.
 21 SECTION 4. IC 20-46-1-17, AS AMENDED BY P.L.146-2008,
 22 SECTION 501, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2011]: Sec. 17. Each precinct election board
 24 shall count the affirmative votes and the negative votes cast in the
 25 referendum and shall certify those two (2) totals to the county election
 26 board of each county in which the referendum is held. The circuit court
 27 clerk of each county shall, immediately after the votes cast in the
 28 referendum have been counted, certify the results of the referendum to
 29 the ~~county fiscal body. Upon receiving the certification of all the votes~~
 30 ~~cast in the referendum, the county fiscal body shall promptly certify the~~
 31 **result of the referendum to the** department of local government finance.
 32 If a majority of the individuals who voted in the referendum voted
 33 "yes" on the referendum question:
 34 (1) the ~~county fiscal body~~ **department of local government**
 35 **finance** shall promptly notify the school corporation that the
 36 school corporation is authorized to collect, for the calendar year
 37 that next follows the calendar year in which the referendum is
 38 held, a levy not greater than the amount approved in the
 39 referendum;
 40 (2) the levy may be imposed for the number of calendar years
 41 approved by the voters following the referendum for the school
 42 corporation in which the referendum is held; and

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1 (3) the school corporation shall establish a fund under
2 IC 20-40-3-1.
3 SECTION 5. IC 20-46-1-12 IS REPEALED [EFFECTIVE JULY 1,
4 2011].

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