



January 21, 2011

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## SENATE BILL No. 323

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DIGEST OF SB 323 (Updated January 20, 2011 10:03 am - DI 73)

**Citations Affected:** IC 20-46.

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 Repeals a superseded provision.

**Effective:** July 1, 2011.

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### Banks, Kruse, Broden

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January 10, 2011, read first time and referred to Committee on Appropriations.  
January 20, 2011, amended, reported favorably — Do Pass.

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SB 323—LS 6872/DI 73+



January 21, 2011

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

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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:

SB 323—LS 6872/DI 73+



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

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

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COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 323, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 7, strike "county" and insert "**circuit court**".

and when so amended that said bill do pass.

(Reference is to SB 323 as introduced.)

KENLEY, Chairperson

Committee Vote: Yeas 12, Nays 0.

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