



Reprinted  
January 28, 2011

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## SENATE BILL No. 323

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DIGEST OF SB 323 (Updated January 27, 2011 2:21 pm - DI 84)

**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. Requires the language of the question for a school referendum tax levy to be approved by the department of local government finance before it may be certified to the circuit court clerk. Repeals a superseded provision.

**Effective:** July 1, 2011.

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### Banks, Kruse, Broden, Randolph

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January 10, 2011, read first time and referred to Committee on Appropriations.  
January 20, 2011, amended, reported favorably — Do Pass.  
January 24, 2011, read second time, amended, ordered engrossed.  
January 25, 2011, engrossed; returned to second reading.  
January 27, 2011, re-read second time, amended, ordered engrossed.

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SB 323—LS 6872/DI 73+



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 the department of local government finance,  
16 ~~and the~~ **including the language for the question required by section**  
17 **10 of this chapter. The department of local government finance**

SB 323—LS 6872/DI 73+



1 shall review the language for compliance with section 10 of this  
2 chapter and either approve or reject the language. The department  
3 shall send its decision to the governing body of the school  
4 corporation not more than ten (10) days after the resolution is  
5 submitted to the department. If the language is approved, the  
6 governing body of the school corporation shall certify a copy of the  
7 resolution, including the language for the question and the  
8 department's approval, to:

- 9 (1) the county fiscal body (for informational purposes only);
- 10 and
- 11 (2) the circuit court clerk;

12 of each county in which the school corporation is located.

13 SECTION 2. IC 20-46-1-13, AS AMENDED BY P.L.146-2008,  
14 SECTION 498, IS AMENDED TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 2011]: Sec. 13. Each ~~county~~ **circuit court** clerk  
16 shall, upon receiving the question certified by the ~~county fiscal body~~  
17 **governing body of a school corporation** under this chapter, call a  
18 meeting of the county election board to make arrangements for the  
19 referendum.

20 SECTION 3. IC 20-46-1-15, AS AMENDED BY P.L.146-2008,  
21 SECTION 500, IS AMENDED TO READ AS FOLLOWS  
22 [EFFECTIVE JULY 1, 2011]: Sec. 15. Each county election board  
23 shall cause:

- 24 (1) the question certified to the circuit court clerk by the ~~county~~  
25 **fiscal body governing body of a school corporation** to be placed  
26 on the ballot in the form prescribed by IC 3-10-9-4; and
- 27 (2) an adequate supply of ballots and voting equipment to be  
28 delivered to the precinct election board of each precinct in which  
29 the referendum is to be held.

30 SECTION 4. IC 20-46-1-17, AS AMENDED BY P.L.146-2008,  
31 SECTION 501, IS AMENDED TO READ AS FOLLOWS  
32 [EFFECTIVE JULY 1, 2011]: Sec. 17. Each precinct election board  
33 shall count the affirmative votes and the negative votes cast in the  
34 referendum and shall certify those two (2) totals to the county election  
35 board of each county in which the referendum is held. The circuit court  
36 clerk of each county shall, immediately after the votes cast in the  
37 referendum have been counted, certify the results of the referendum to  
38 the ~~county fiscal body~~. Upon receiving the certification of all the votes  
39 cast in the referendum, the ~~county fiscal body~~ shall promptly certify the  
40 result of the referendum to the department of local government finance.  
41 If a majority of the individuals who voted in the referendum voted  
42 "yes" on the referendum question:

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1           (1) the ~~county fiscal body~~ **department of local government**  
2           **finance** shall promptly notify the school corporation that the  
3           school corporation is authorized to collect, for the calendar year  
4           that next follows the calendar year in which the referendum is  
5           held, a levy not greater than the amount approved in the  
6           referendum;  
7           (2) the levy may be imposed for the number of calendar years  
8           approved by the voters following the referendum for the school  
9           corporation in which the referendum is held; and  
10          (3) the school corporation shall establish a fund under  
11          IC 20-40-3-1.  
12          SECTION 5. IC 20-46-1-12 IS REPEALED [EFFECTIVE JULY 1,  
13          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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SENATE MOTION

Madam President: I move that Senate Bill 323 be amended to read as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 20-46-1-8, AS AMENDED BY P.L.41-2010, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) Subject to this chapter, the governing body of a school corporation may adopt a resolution to place a referendum under this chapter on the ballot for either of the following purposes:

- (1) The governing body of the school corporation determines that it cannot, in a calendar year, carry out its public educational duty unless it imposes a referendum tax levy under this chapter.
- (2) The governing body of the school corporation determines that a referendum tax levy under this chapter should be imposed to replace property tax revenue that the school corporation will not receive because of the application of the credit under IC 6-1.1-20.6.

(b) The governing body of the school corporation shall certify a copy of the resolution to the department of local government finance, ~~and the~~ **including the language for the question required by section 11 of this chapter. The department of local government finance shall review the language for compliance with section 11 of this chapter and either approve or reject the language. The department shall send its decision to the governing body of the school corporation not more than ten (10) days after the resolution is submitted to the department. If the language is approved, the**



**governing body of the school corporation shall certify a copy of the resolution, including the language for the question and the department's approval, to:**

- (1) the county fiscal body (for informational purposes only);**
- and**
- (2) the circuit court clerk;**

of each county in which the school corporation is located."

Page 2, delete lines 1 through 4.

(Reference is to SB 323 as printed January 21, 2011.)

BANKS

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SENATE MOTION

Madam President: I move that Engrossed Senate Bill 323, which is eligible for third reading, be returned to second reading for purposes of amendment.

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SENATE MOTION

Madam President: I move that Senate Bill 323 be amended to read as follows:

Page 1, line 17, delete "11" and insert "**10**".

Page 2, line 1, delete "11" and insert "**10**".

(Reference is to SB 323 as reprinted January 25, 2011.)

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