

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Appropriations, to which was referred Senate Bill No. 384, 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:

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 6-1.1-20-3.6, AS AMENDED BY P.L.113-2010,
4 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2011]: Sec. 3.6. (a) Except as provided in sections 3.7 and 3.8
6 of this chapter, this section applies only to a controlled project
7 described in section 3.5(a) of this chapter.
8 (b) If a sufficient petition requesting the application of the local
9 public question process has been filed as set forth in section 3.5 of this
10 chapter, a political subdivision may not impose property taxes to pay
11 debt service on bonds or lease rentals on a lease for a controlled project
12 unless the political subdivision's proposed debt service or lease rental
13 is approved in an election on a local public question held under this
14 section.
15 (c) Except as provided in subsection (j), the following question shall
16 be submitted to the eligible voters at the election conducted under this
17 section:
18 "Shall _____ (insert the name of the political subdivision)
19 issue bonds or enter into a lease to finance _____ (insert
20 a brief description of the controlled project), which is estimated

1 to cost not more than _____ (insert the total cost of the project)
 2 and is estimated to increase the property tax rate for debt service
 3 by _____ (insert increase in tax rate as determined by the
 4 department of local government finance)?".

5 The public question must appear on the ballot in the form approved by
 6 the county election board. If the political subdivision proposing to issue
 7 bonds or enter into a lease is located in more than one (1) county, the
 8 county election board of each county shall jointly approve the form of
 9 the public question that will appear on the ballot in each county. The
 10 form approved by the county election board may differ from the
 11 language certified to the county election board by the county auditor.
 12 If the county election board approves the language of a public question
 13 under this subsection after June 30, 2010, the county election board
 14 shall submit the language to the department of local government
 15 finance for review. The department of local government finance shall
 16 review the language of the public question to evaluate whether the
 17 description of the controlled project is accurate and is not biased
 18 against either a vote in favor of the controlled project or a vote against
 19 the controlled project. The department of local government finance
 20 may **either approve the ballot language as submitted or** recommend
 21 that the ballot language be ~~used as submitted or recommend~~
 22 **modifications to the ballot language modified** as necessary to ensure
 23 that the description of the controlled project is accurate and is not
 24 biased. The department of local government finance shall ~~send~~ **certify**
 25 its **approval or** recommendations to the **county auditor and the**
 26 county election board not more than ten (10) days after the language of
 27 the public question is submitted to the department for review. **If the**
 28 **department of local government finance recommends a**
 29 **modification to the ballot language, the county election board shall,**
 30 after reviewing the recommendations of the department of local
 31 government finance, ~~under this subsection, the county election board~~
 32 ~~shall take final action to approve~~ **submit modified** ballot language. ~~The~~
 33 ~~finally adopted ballot language may differ from the recommendations~~
 34 ~~made by to the department of local government finance for the~~
 35 **department's approval or recommendation of any additional**
 36 **modifications. The public question may not be certified by the**
 37 **county auditor under subsection (d) unless the department of local**
 38 **government finance has first certified the department's final**
 39 **approval of the ballot language for the public question.**

40 (d) The county auditor shall certify the finally approved public
 41 question described in subsection (c) under IC 3-10-9-3 to the county
 42 election board of each county in which the political subdivision is

1 located. The certification must occur not later than noon:

2 (1) sixty (60) days before a primary election if the public question
3 is to be placed on the primary or municipal primary election
4 ballot; or

5 (2) August 1 if the public question is to be placed on the general
6 or municipal election ballot.

7 Subject to the certification requirements and deadlines under this
8 subsection and except as provided in subsection (j), the public question
9 shall be placed on the ballot at the next primary election, general
10 election, or municipal election in which all voters of the political
11 subdivision are entitled to vote. However, if a primary election, general
12 election, or municipal election will not be held during the first year in
13 which the public question is eligible to be placed on the ballot under
14 this section and if the political subdivision requests the public question
15 to be placed on the ballot at a special election, the public question shall
16 be placed on the ballot at a special election to be held on the first
17 Tuesday after the first Monday in May or November of the year. The
18 certification must occur not later than noon sixty (60) days before a
19 special election to be held in May (if the special election is to be held
20 in May) or noon on August 1 (if the special election is to be held in
21 November). However, in 2009, a political subdivision may hold a
22 special election under this section on any date scheduled for the special
23 election if notice of the special election was given before July 1, 2009,
24 to the election division of the secretary of state's office as provided in
25 IC 3-10-8-4. The fiscal body of the political subdivision that requests
26 the special election shall pay the costs of holding the special election.
27 The county election board shall give notice under IC 5-3-1 of a special
28 election conducted under this subsection. A special election conducted
29 under this subsection is under the direction of the county election
30 board. The county election board shall take all steps necessary to carry
31 out the special election.

32 (e) The circuit court clerk shall certify the results of the public
33 question to the following:

34 (1) The county auditor of each county in which the political
35 subdivision is located.

36 (2) The department of local government finance.

37 (f) Subject to the requirements of IC 6-1.1-18.5-8, the political
38 subdivision may issue the proposed bonds or enter into the proposed
39 lease rental if a majority of the eligible voters voting on the public
40 question vote in favor of the public question.

41 (g) If a majority of the eligible voters voting on the public question
42 vote in opposition to the public question, both of the following apply:

1 (1) The political subdivision may not issue the proposed bonds or
2 enter into the proposed lease rental.

3 (2) Another public question under this section on the same or a
4 substantially similar project may not be submitted to the voters
5 earlier than one (1) year after the date of the election.

6 (h) IC 3, to the extent not inconsistent with this section, applies to
7 an election held under this section.

8 (i) A political subdivision may not artificially divide a capital
9 project into multiple capital projects in order to avoid the requirements
10 of this section and section 3.5 of this chapter.

11 (j) This subsection applies to a political subdivision for which a
12 petition requesting a public question has been submitted under section
13 3.5 of this chapter. The legislative body (as defined in IC 36-1-2-9) of
14 the political subdivision may adopt a resolution to withdraw a
15 controlled project from consideration in a public question. If the
16 legislative body provides a certified copy of the resolution to the county
17 auditor and the county election board not later than forty-nine (49) days
18 before the election at which the public question would be on the ballot,
19 the public question on the controlled project shall not be placed on the
20 ballot and the public question on the controlled project shall not be
21 held, regardless of whether the county auditor has certified the public
22 question to the county election board. If the withdrawal of a public
23 question under this subsection requires the county election board to
24 reprint ballots, the political subdivision withdrawing the public
25 question shall pay the costs of reprinting the ballots. If a political
26 subdivision withdraws a public question under this subsection that
27 would have been held at a special election and the county election
28 board has printed the ballots before the legislative body of the political
29 subdivision provides a certified copy of the withdrawal resolution to
30 the county auditor and the county election board, the political
31 subdivision withdrawing the public question shall pay the costs
32 incurred by the county in printing the ballots. If a public question on a
33 controlled project is withdrawn under this subsection, a public question
34 under this section on the same controlled project or a substantially
35 similar controlled project may not be submitted to the voters earlier
36 than one (1) year after the date the resolution withdrawing the public
37 question is adopted.

38 (k) If a public question regarding a controlled project is placed on
39 the ballot to be voted on at a public question under this section, the
40 political subdivision shall submit to the department of local
41 government finance, at least thirty (30) days before the election, the
42 following information regarding the proposed controlled project for

1 posting on the department's Internet web site:

2 (1) The cost per square foot of any buildings being constructed as
3 part of the controlled project.

4 (2) The effect that approval of the controlled project would have
5 on the political subdivision's property tax rate.

6 (3) The maximum term of the bonds or lease.

7 (4) The maximum principal amount of the bonds or the maximum
8 lease rental for the lease.

9 (5) The estimated interest rates that will be paid and the total
10 interest costs associated with the bonds or lease.

11 (6) The purpose of the bonds or lease.

12 (7) In the case of a controlled project proposed by a school
13 corporation:

14 (A) the current and proposed square footage of school building
15 space per student;

16 (B) enrollment patterns within the school corporation; and

17 (C) the age and condition of the current school facilities.".

18 Page 3, line 2, delete "subsection (a)(3)," and insert "**any other**
19 **law,**".

20 Page 3, line 4, after "superintendent)" insert "**, a school corporation**
21 **assistant superintendent, or a chief school business official of a**
22 **school corporation**".

23 Page 3, line 11, after "funds." insert "**Advocacy or discussion**
24 **allowed under this subsection is not considered a use of public**
25 **funds. However, this subsection does not authorize or apply to**
26 **advocacy or discussion by a school board member, superintendent,**
27 **assistant superintendent, or school business official to or with**
28 **students that occurs during the regular school day.**".

29 Page 4, line 29, delete "subsection (b)(3)," and insert "**any other**
30 **law,**".

31 Page 4, line 31, after "superintendent)" insert "**, a school**
32 **corporation assistant superintendent, or a chief school business**
33 **official of a school corporation**".

34 Page 4, line 38, after "funds." insert "**Advocacy or discussion**
35 **allowed under this subsection is not considered a use of public**
36 **funds. However, this subsection does not authorize or apply to**
37 **advocacy or discussion by a school board member, superintendent,**
38 **assistant superintendent, or school business official to or with**
39 **students that occurs during the regular school day.**".

40 Page 4, delete line 42, begin a new paragraph and insert:

41 "SECTION 4. IC 20-46-1-8, AS AMENDED BY P.L.41-2010,
42 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2011]: Sec. 8. (a) Subject to this chapter, the governing body
 2 of a school corporation may adopt a resolution to place a referendum
 3 under this chapter on the ballot for either of the following purposes:

4 (1) The governing body of the school corporation determines that
 5 it cannot, in a calendar year, carry out its public educational duty
 6 unless it imposes a referendum tax levy under this chapter.

7 (2) The governing body of the school corporation determines that
 8 a referendum tax levy under this chapter should be imposed to
 9 replace property tax revenue that the school corporation will not
 10 receive because of the application of the credit under
 11 IC 6-1.1-20.6.

12 (b) The governing body of the school corporation shall certify a
 13 copy of the resolution to the department of local government finance,
 14 ~~and the~~ **including the language for the question required by section**
 15 **10 of this chapter. The department of local government finance**
 16 **shall review the language for compliance with section 10 of this**
 17 **chapter and either approve or reject the language. The department**
 18 **shall send its decision to the governing body of the school**
 19 **corporation not more than ten (10) days after the resolution is**
 20 **submitted to the department. If the language is approved, the**
 21 **governing body of the school corporation shall certify a copy of the**
 22 **resolution, including the language for the question and the**
 23 **department's approval, to:**

24 (1) **the county fiscal body (for informational purposes only);**

25 **and**

26 (2) **the circuit court clerk;**

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

28 SECTION 5. IC 20-46-1-19.5 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2011]: Sec. 19.5. (a) **If a referendum is**
 31 **approved by the voters in a school corporation under this chapter**
 32 **in a calendar year, another referendum may not be placed on the**
 33 **ballot in the school corporation under this chapter in the following**
 34 **calendar year.**

35 (b) **Notwithstanding any other provision of this chapter and in**
 36 **addition to the restriction specified in subsection (a), if a school**
 37 **corporation imposes in a calendar year a referendum levy**
 38 **approved in a referendum under this chapter, the school**
 39 **corporation may not simultaneously impose in that calendar year**
 40 **more than one (1) additional referendum levy approved in a**
 41 **subsequent referendum under this chapter."**

42 Page 5, delete lines 1 through 22.

1 Page 6, line 21, delete "subsection (a)(3)," and insert "**any other**
2 **law,**".

3 Page 6, line 22, after "superintendent" insert "**, school corporation**
4 **assistant superintendent, or chief school business official of a**
5 **school corporation**".

6 Page 6, line 30, after "funds." insert "**Advocacy or discussion**
7 **allowed under this subsection is not considered a use of public**
8 **funds. However, this subsection does not authorize or apply to**
9 **advocacy or discussion by a school board member, superintendent,**
10 **assistant superintendent, or school business official to or with**
11 **students that occurs during the regular school day.**".

12 Re-number all SECTIONS consecutively.
 (Reference is to SB 384 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 10, Nays 0.

Senator Kenley, Chairperson