

Adopted	Rejected
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# COMMITTEE REPORT

YES:	12
NO:	0

## MR. SPEAKER:

*Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 343, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 3, between lines 23 and 24, begin a new line double block
- 2 indented and insert:
- 3 **"(D) The date on which each petitioner signed the petition."**
- 4 Page 3, line 28, after "subdivision." insert **"In certifying the**
- 5 **number of voters, the clerk shall disregard any signature on the**
- 6 **petition that is dated under subsection (a)(3)(D) more than ninety**
- 7 **(90) days before the date the petition was filed with the clerk."**
- 8 Page 12, line 16, after "with" insert **"(before January 1, 2014)".**
- 9 Page 12, line 17, after "chapter" insert **"or that"**.
- 10 Page 12, line 17, after "have" insert **"prepared (after December 31,**
- 11 **2013) an initial plan of reorganization under section 18 of this**
- 12 **chapter, have"**.
- 13 Page 13, line 2, after "body" insert **"(before January 1, 2014)".**
- 14 Page 13, line 2, after "(2)" insert **"or prepared by a legislative**

1 **body (after December 31, 2013)".**

2 Page 13, line 8, after "body" delete "." and insert "**(before January**  
3 **1, 2014) or prepared by the legislative body (after December 31,**  
4 **2013)".**

5 Page 13, line 11, after "chapter." insert "**In certifying the number**  
6 **of voters, the clerk shall disregard any signature on the petition**  
7 **that is dated under section 11(a)(3)(D) of this chapter more than**  
8 **one hundred eighty (180) days before the date the petition was filed**  
9 **with the clerk."**

10 Page 16, line 7, delete "and not the" and insert ";".

11 Page 16, delete line 8.

12 Page 17, line 36, delete "and not the" and insert ";".

13 Page 17, delete line 37.

14 Page 18, line 20, delete "chapter." and insert "chapter:".

15 Page 19, line 30, after "section" insert "**1(a)(7) or"**.

16 Page 23, between lines 1 and 2, begin a new paragraph and insert:

17 "SECTION 27. IC 36-1.5-4-46 IS ADDED TO THE INDIANA  
18 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
19 [EFFECTIVE JULY 1, 2013]: **Sec. 46. (a) Except as otherwise**  
20 **provided in this section, during the period beginning with the date**  
21 **the final plan of reorganization is approved by the legislative body**  
22 **or considered to be approved under section 23.5 of this chapter,**  
23 **and continuing through the day on which the public question is**  
24 **submitted to the voters, a political subdivision may not promote a**  
25 **position on the public question by doing any of the following:**

26 (1) **Using facilities or equipment, including mail and**  
27 **messaging systems, owned by the political subdivision to**  
28 **promote a position on the public question, unless equal access**  
29 **to the facilities or equipment is given to persons with a**  
30 **position opposite to that of the political subdivision.**

31 (2) **Making an expenditure of money from a fund controlled**  
32 **by the political subdivision to promote a position on the public**  
33 **question.**

34 (3) **Using an employee to promote a position on the public**  
35 **question during the employee's normal working hours or paid**  
36 **overtime, or otherwise compelling an employee to promote a**  
37 **position on the public question at any time. However, if a**  
38 **person described in subsection (c) is advocating for or against**

1           a position on the public question or discussing the public  
 2           question as authorized under subsection (c), an employee of  
 3           the political subdivision may assist the person in presenting  
 4           information on the public question if requested to do so by the  
 5           person described in subsection (c).

6           **However, this section does not prohibit an official or employee of**  
 7           **the political subdivision from carrying out duties with respect to a**  
 8           **public question that are part of the normal and regular conduct of**  
 9           **the official's or employee's office or agency, including the**  
 10           **furnishing of factual information regarding the public question in**  
 11           **response to inquiries from any person.**

12           **(b) This subsection does not apply to:**

13                   **(1) a personal expenditure to promote a position on a local**  
 14                   **public question by an employee of the political subdivision**  
 15                   **whose employment is governed by a collective bargaining**  
 16                   **contract or an employment contract; or**

17                   **(2) an expenditure to promote a position on a local public**  
 18                   **question by a person or an organization that has a contract or**  
 19                   **an arrangement (whether formal or informal) with the**  
 20                   **political subdivision solely for the use of the political**  
 21                   **subdivision's facilities.**

22           **A person or an organization that has a contract or arrangement**  
 23           **(whether formal or informal) with a political subdivision to**  
 24           **provide goods or services to the political subdivision may not spend**  
 25           **any money to promote a position on the public question. A person**  
 26           **or an organization that violates this subsection commits a Class A**  
 27           **infraction.**

28           **(c) Notwithstanding any other law, an elected or appointed**  
 29           **official of a political subdivision may:**

30                   **(1) personally advocate for or against a position on a public**  
 31                   **question; or**

32                   **(2) discuss the public question with any individual, group, or**  
 33                   **organization or personally advocate for or against a position**  
 34                   **on a public question before any individual, group, or**  
 35                   **organization;**

36           **so long as it is not done by using public funds. Advocacy or**  
 37           **discussion allowed under this subsection is not considered a use of**  
 38           **public funds."**

- 1       Renumber all SECTIONS consecutively.  
          (Reference is to SB 343 as reprinted February 6, 2013.)

**and when so amended that said bill do pass.**

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Representative Mahan