



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1072 be amended to read as follows:

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
- 2 "SECTION 1. IC 20-24-7-6 IS REPEALED [EFFECTIVE JULY 1,
- 3 2022]. Sec. 6: (a) ~~With the approval of a majority of the members of the~~
- 4 ~~governing body; a school corporation may distribute a proportionate~~
- 5 ~~share of the school corporation's operations fund to a charter school. A~~
- 6 ~~charter school may elect to distribute a proportionate share of the~~
- 7 ~~charter school's operations fund to the school corporation in whose~~
- 8 ~~district the charter school is located.~~
- 9 (b) ~~A governing body may distribute money that is received as part~~
- 10 ~~of a tax levy collected under IC 20-46-1 from the school corporation's~~
- 11 ~~education fund to a charter school; excluding a virtual charter school;~~
- 12 ~~in the manner provided by IC 20-46-1-8(d).~~
- 13 (c) ~~A governing body may distribute money from the school safety~~
- 14 ~~referendum tax levy fund to a charter school; excluding a virtual~~
- 15 ~~charter school; in the manner prescribed by IC 20-46-9-6(b)."~~
- 16 Delete pages 2 through 4.
- 17 Page 5, delete lines 1 through 29.
- 18 Page 10, delete lines 37 through 42, begin a new paragraph and
- 19 insert:
- 20 "SECTION 2. IC 20-46-1.5 IS ADDED TO THE INDIANA CODE
- 21 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2022]:

2 **Chapter 1.5. Charter School Operating Levy**

3 **Sec. 1. As used in this chapter, "levy" refers to the property tax**
 4 **levy imposed under this chapter.**

5 **Sec. 2. As used in this chapter, "referendum" refers to a**
 6 **referendum under this chapter.**

7 **Sec. 3. As used in this chapter, "special district" refers the**
 8 **taxing district established in section 5 of this chapter.**

9 **Sec. 4. A charter school may impose an operating referendum**
 10 **tax levy for the amount allowed under section 7 of this chapter.**

11 **Sec. 5. (a) A charter school organizer may submit an application**
 12 **to the department of local government finance to establish a special**
 13 **taxing district which may include a portion or all of a particular**
 14 **county. In order to establish a special taxing district, the charter**
 15 **school organizer must submit to the department of local**
 16 **government, in a manner prescribed by the department of local**
 17 **government finance, a proposal that includes the following:**

18 **(1) A detailed description of the area of the proposed special**
 19 **taxing district.**

20 **(2) A petition signed by ten percent (10%) of owners of**
 21 **parcels located within the boundaries of the proposed special**
 22 **taxing district. The signatures on the petition must be verified**
 23 **by the oath of one (1) or more of the signers.**

24 **(3) The proposed tax rate which would be levied should the**
 25 **referendum pass.**

26 **(4) A detailed description of what any proceeds from a**
 27 **property tax levy under this chapter would be used for.**

28 **(5) The number of years the levy will be imposed.**

29 **(6) A requirement that, in the event a charter school which**
 30 **would receive a distribution under this chapter closes, that the**
 31 **money collected through a levy imposed in this chapter shall**
 32 **be distributed proportionately, in a manner prescribed by the**
 33 **department of local government finance, to each school**
 34 **corporation located within the proposed special taxing**
 35 **district.**

36 **(b) The proposed boundary for the special taxing district may**
 37 **not include more than one (1) county.**

38 **(c) Upon receipt of the information described in subsection (a),**
 39 **the department of local government finance, shall review the**
 40 **information submitted under subsection (a) and may request**
 41 **additional information as necessary. The department of local**
 42 **government may:**

43 **(1) deny;**

44 **(2) approve; or**

45 **(3) modify**

46 **a proposal made under this section. The department of local**
 47 **government shall establish the amount which may be levied by the**

1 charter school organizer should the referendum pass.
2 (d) If the proposal is approved by the department of local
3 government finance, the charter school organizer shall send a copy
4 of the approved proposal, including the language for the question
5 and the department of local government finance's approval to the
6 following:
7 (1) The county fiscal body in which the special taxing district
8 is located.
9 (2) The circuit court clerk of county in which the special
10 taxing district is located.
11 (e) As part of the proposal described in subsection (a), the
12 charter school organizer shall adopt a revenue spending plan for
13 the proposed referendum tax levy that includes:
14 (1) an estimate of the amount of annual revenue expected to
15 be collected if a levy is imposed under this chapter;
16 (2) the specific purposes for which the revenue collected from
17 a levy imposed under this chapter will be used; and
18 (3) an estimate of the annual dollar amounts that will be
19 expended for each purpose described in subdivision (2).
20 Sec. 6. A charter school operating referendum tax levy under
21 this chapter may be put into effect only if a majority of the
22 individuals who vote in a referendum that is conducted in
23 accordance with this chapter approves the appellant charter school
24 organizer's making a levy for the ensuing calendar year.
25 Sec. 7. (a) The question to be submitted to the voters in the
26 referendum must read as follows:
27 "Shall the _____ (insert the name of the charter
28 school organizer) increase property taxes paid to
29 _____ (insert the name of the charter school
30 organizer) by homeowners and businesses for ____ (insert
31 number of years) years immediately following the holding of
32 the referendum for the purpose of funding _____ (insert
33 short description of purposes)?"
34 Sec. 8. The voters in a referendum may not approve a levy that
35 is imposed for more than eight (8) years.
36 Sec. 9. Each circuit court clerk shall, upon receiving the
37 question approved by the department of local government finance
38 under this chapter, call a meeting of the county election board to
39 make arrangements for the referendum.
40 Sec. 10. The referendum shall be held in the next primary
41 election, general election, or municipal election in which all the
42 registered voters who are residents of the special taxing district are
43 entitled to vote after certification of the question under
44 IC 3-10-9-3. The certification of the question must occur not later
45 than noon:
46 (1) seventy-four (74) days before a primary election if the
47 question is to be placed on the primary or municipal primary

1 election ballot; or
 2 (2) August 1 if the question is to be placed on the general or
 3 municipal election ballot.
 4 **Sec. 11. The county election board shall cause:**
 5 (1) the question certified to the circuit court clerk by the
 6 charter school organizer to be placed on the ballot in the form
 7 prescribed by IC 3-10-9-4; and
 8 (2) an adequate supply of ballots and voting equipment to be
 9 delivered to the precinct election board of each precinct in
 10 which the referendum is to be held.
 11 **Sec. 12. (a) The individuals entitled to vote in the referendum**
 12 **are all of the registered voters resident in the special taxing**
 13 **district.**
 14 **(b) An individual who changes residence from a location within**
 15 **a special taxing district to a location outside of the special taxing**
 16 **district less than thirty (30) days before an election under this**
 17 **chapter may not vote on the public question.**
 18 **Sec. 13. Each precinct election board shall count the affirmative**
 19 **votes and the negative votes cast in the referendum and shall**
 20 **certify those two (2) totals to the county election board of the**
 21 **county in which the referendum is held. The circuit court clerk of**
 22 **the county shall, immediately after the votes cast in the referendum**
 23 **have been counted, certify the results of the referendum to the**
 24 **department of local government finance. If a majority of the**
 25 **individuals who voted in the referendum voted "yes" on the**
 26 **referendum question:**
 27 (1) the department of local government finance shall promptly
 28 notify the charter school organizer and the county treasurer
 29 that the county treasurer is authorized to collect, for the
 30 calendar year that next follows the calendar year in which the
 31 referendum is held, a levy not greater than the amount
 32 approved in the referendum; and
 33 (2) the levy may be imposed for the number of calendar years
 34 approved by the voters following the referendum for the
 35 charter school organizer in which the referendum is held.
 36 **Sec. 14. A charter school organizer's levy may not be considered**
 37 **in the determination of the charter school's (excluding a virtual**
 38 **charter school) state tuition support distribution under IC 20-43.**
 39 **Sec. 15. (a) If a majority of the persons who voted in the**
 40 **referendum did not vote "yes" on the referendum question:**
 41 (1) the charter school organizer may not make any levy; and
 42 (2) another referendum under this chapter may not be
 43 submitted to the voters earlier than seven hundred (700) days
 44 after the date of the referendum.
 45 **Sec. 16. (a) During the period beginning with approval of the**
 46 **proposal by the department of local government finance continuing**
 47 **through the day on which the referendum is submitted to the**

1 voters, the charter school organizer or any charter school under
 2 the control of the organizer may not promote a position on the
 3 referendum by doing any of the following:

4 (1) Using facilities or equipment, including mail and
 5 messaging systems, owned by the charter school organizer or
 6 any charter school under the control of the organizer to
 7 promote a position on the referendum, unless equal access to
 8 the facilities or equipment is given to persons with a position
 9 opposite to that of the charter school organizer or any charter
 10 school under the control of the organizer.

11 (2) Making an expenditure of money controlled by the charter
 12 school organizer or any charter school under the control of
 13 the organizer to promote a position on the referendum.

14 (3) Using an employee to promote a position on the
 15 referendum during the employee's normal working hours or
 16 paid overtime, or otherwise compelling an employee to
 17 promote a position on the referendum at any time.

18 (4) Promoting a position on the referendum by:

19 (A) using students to transport written materials to their
 20 residences or in any way involving students in a school
 21 organized promotion of a position;

22 (B) including a statement within another communication
 23 sent to the students' residences; or

24 (C) initiating discussion of the referendum at a meeting
 25 between a teacher and parents of a student regarding the
 26 student's performance or behavior at school. However, if
 27 the parents initiate a discussion of the referendum at the
 28 meeting, the teacher may acknowledge the issue and direct
 29 the parents to a source of factual information on the
 30 referendum.

31 However, this section does not prohibit an official or employee of
 32 the charter school organizer or any charter school under the
 33 control of the organizer from carrying out duties with respect to a
 34 referendum that are part of the normal and regular conduct of the
 35 official's or employee's office or agency, including the furnishing
 36 of factual information regarding the referendum in response to
 37 inquiries from any person.

38 (b) The staff and employees of a charter school organizer or any
 39 charter school under the control of the organizer may not
 40 personally identify a student as the child of a parent or guardian
 41 who supports or opposes the referendum.

42 (c) This subsection does not apply to:

43 (1) a personal expenditure to promote a position on a local
 44 public question by an employee of a charter school organizer
 45 or any charter school under the control of the organizer
 46 whose employment is governed by a collective bargaining
 47 contract or an employment contract; or

1 **(2) an expenditure to promote a position on a local public**
2 **question by a person or an organization that has a contract or**
3 **an arrangement (whether formal or informal) with the**
4 **charter school organizer or any charter school under the**
5 **control of the organizer solely for the use of the charter school**
6 **organizer or any charter school under the control of the**
7 **organizer facilities.**
8 **A person or an organization that has a contract or arrangement**
9 **(whether formal or informal) with a charter school organizer or**
10 **any charter school under the control of the organizer to provide**
11 **goods or services to the charter school organizer or any charter**
12 **school under the control of the organizer may not spend any money**
13 **to promote a position on the petition or remonstrance. A person or**
14 **an organization that violates this subsection commits a Class A**
15 **infraction."**
16 Delete pages 11 through 22.
17 Page 23, delete lines 1 through 27.
18 Re-number all SECTIONS consecutively.
 (Reference is to HB 1072 as printed January 24, 2022.)

Representative Smith V