



Reprinted  
February 18, 2014

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## ENGROSSED SENATE BILL No. 207

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DIGEST OF SB 207 (Updated February 17, 2014 2:37 pm - DI 75)

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

**Synopsis:** School operating referendum ballot language. Changes the language to be used on the ballot when a school corporation conducts a school general fund referendum. Removes the requirement that the department of local government finance must approve the ballot language proposed by a school corporation for a school general fund referendum. Provides that the county election board of the county or counties in which the school corporation is located must either approve or revise the proposed ballot language. Provides that if the county election board revises the ballot language, the governing body of the school corporation may request the Indiana election commission to review the county election board's decision. Provides that if the Indiana election commission does not act not later than 60 days before the election at which the public question is to be placed on the ballot, the county election board's language is the language used for the public question. Provides that if a majority of the voters do not vote in favor of a school general fund referendum, another referendum under the law may not be held for another 350 days. (Current law provides that another referendum may not be held for another year.)

**Effective:** Upon passage; July 1, 2014.

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**Walker, Miller Pete, Banks, Head,  
Tallian, Eckerty**

(HOUSE SPONSORS — SMITH M, GOODIN, BATTLES, WESCO)

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January 9, 2014, read first time and referred to Committee on Elections.  
January 14, 2014, reported favorably — Do Pass.  
January 27, 2014, read second time, ordered engrossed.  
January 28, 2014, engrossed. Read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 4, 2014, read first time and referred to Committee on Elections and Apportionment.  
February 13, 2014, reported — Do Pass.  
February 17, 2014, read second time, amended, ordered engrossed.

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ES 207—LS 6468/DI 58





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February 18, 2014

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## ENGROSSED SENATE BILL No. 207

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A BILL FOR AN ACT to amend the Indiana Code concerning education.

*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.198-2011,  
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2014]: 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, **including the proposed public question**  
16 **language required by section 10 of this chapter**, to the following:

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1 (1) The department of local government finance. ~~including (in the~~  
 2 ~~case of a resolution certified to the department of local~~  
 3 ~~government finance after April 30, 2011) the language for the~~  
 4 ~~question required by section 10 of this chapter. In the case of a~~  
 5 ~~resolution certified to the department of local government finance~~  
 6 ~~after April 30, 2011, the department shall review the language for~~  
 7 ~~compliance with section 10 of this chapter and either approve or~~  
 8 ~~reject the language. The department shall send its decision to the~~  
 9 ~~governing body of the school corporation not more than ten (10)~~  
 10 ~~days after the resolution is submitted to the department. If the~~  
 11 ~~language is approved, the governing body of the school~~  
 12 ~~corporation shall certify a copy of the resolution, including the~~  
 13 ~~language for the question and the department's approval, to:~~

14 ~~(+)~~ (2) The county fiscal body of each county in which the  
 15 school corporation is located (for informational purposes only).  
 16 and

17 ~~(=)~~ (3) The circuit court clerk of each county in which the school  
 18 corporation is located.

19 (c) If the certification under subsection (b) is made not later  
 20 than the applicable time set forth in IC 3-10-9-3:

21 (1) the certification required by IC 3-10-9-3 is considered to  
 22 have been made; and

23 (2) the referendum shall be held at the next primary,  
 24 municipal primary, municipal, or general election, as  
 25 applicable under IC 3-10-9-3.

26 SECTION 2. IC 20-46-1-10, AS AMENDED BY P.L.113-2010,  
 27 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2014]: Sec. 10. The question to be submitted to the voters in  
 29 the referendum must read as follows:

30 "For the \_\_ (insert number) calendar year or years immediately  
 31 following the holding of the referendum, shall the school  
 32 corporation impose a property tax rate that does not exceed  
 33 \_\_\_\_\_ (insert amount) cents (\$0. \_\_) (insert amount) on  
 34 each one hundred dollars (\$100) of assessed valuation and that is  
 35 in addition to all other property tax levies taxes imposed by the  
 36 school corporation for the purpose of funding  
 37 \_\_\_\_\_ (insert short description of  
 38 purposes)?".

39 SECTION 3. IC 20-46-1-13, AS AMENDED BY P.L.198-2011,  
 40 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2014]: Sec. 13. (a) Each circuit court clerk shall, upon  
 42 receiving the question certified by the governing body of a school



1 corporation under this chapter, call a meeting of the county election  
2 board to make arrangements for the referendum.

3 **(b) The county election board shall review the proposed public**  
4 **question language.**

5 **(c) If the county election board determines that the proposed**  
6 **public question language fairly describes the referendum tax levy,**  
7 **the county election board shall approve the proposed language.**

8 **(d) If the county election board determines that the proposed**  
9 **public question language does not fairly describe the referendum**  
10 **tax levy, the county election board shall revise the public question**  
11 **language.**

12 **(e) If the county election board revises the public question**  
13 **language under subsection (d), the governing body of the school**  
14 **corporation may request the Indiana election commission to review**  
15 **the county election board's revision. If the governing body of the**  
16 **school corporation requests a review under this subsection, the**  
17 **Indiana election commission shall do one (1) of the following:**

18 **(1) Approve the public question language originally proposed**  
19 **by the governing body.**

20 **(2) Approve the public question language as revised by the**  
21 **county election board.**

22 **(3) Prescribe the public question language to be used for the**  
23 **referendum.**

24 **In determining what the public question language should be, the**  
25 **Indiana election commission shall determine what language most**  
26 **fairly describes the referendum tax levy.**

27 **(f) If the Indiana election commission does not make a**  
28 **determination under subsection (e) before:**

29 **(1) sixty (60) days before a primary election, if the question is**  
30 **to be placed on the primary or municipal primary election**  
31 **ballot; or**

32 **(2) August 1, if the question is to be placed on the general or**  
33 **municipal election ballot;**

34 **the determination of the county election board is considered**  
35 **approved.**

36 **(g) The public question language as determined under**  
37 **subsection (c), (d), (e), or (f), whichever is applicable, is the public**  
38 **question language that must be used for the referendum.**

39 SECTION 4. IC 20-46-1-14, AS AMENDED BY P.L.113-2010,  
40 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2014]: Sec. 14. (a) The referendum shall be held in the next  
42 primary election, general election, or municipal election in which all



1 the registered voters who are residents of the appellant school  
 2 corporation are entitled to vote after certification of the question under  
 3 IC 3-10-9-3. The certification of the question must occur not later than  
 4 noon:

- 5 (1) sixty (60) days before a primary election if the question is to  
 6 be placed on the primary or municipal primary election ballot; or  
 7 (2) August 1 if the question is to be placed on the general or  
 8 municipal election ballot.

9 However, section 8 of this chapter.

10 (b) If a primary election, general election, or municipal election will  
 11 not be held during the first year in which the public question is eligible  
 12 to be placed on the ballot under this chapter and if the appellant school  
 13 corporation requests the public question to be placed on the ballot at a  
 14 special election, the public question shall be placed on the ballot at a  
 15 special election to be held on the first Tuesday after the first Monday  
 16 in May or November of the year. The certification must occur not later  
 17 than noon sixty (60) days before a special election to be held in May (if  
 18 the special election is to be held in May) or noon on August 1 (if the  
 19 special election is to be held in November): **the applicable time set**  
 20 **forth in IC 3-10-9-3.** (b) If the referendum is not conducted at a  
 21 primary election, general election, or municipal election, **special**  
 22 **election**, the appellant school corporation in which the referendum is  
 23 to be held shall pay all the costs of holding the referendum.

24 SECTION 5. IC 20-46-1-19, AS AMENDED BY P.L.146-2008,  
 25 SECTION 503, IS AMENDED TO READ AS FOLLOWS  
 26 [EFFECTIVE UPON PASSAGE]: Sec. 19. If a majority of the persons  
 27 who voted in the referendum did not vote "yes" on the referendum  
 28 question:

- 29 (1) the school corporation may not make any levy for its  
 30 referendum tax levy fund; and  
 31 (2) another referendum under this section may not be held for one  
 32 (1) year earlier than three hundred fifty (350) days after the  
 33 date of the referendum.

34 SECTION 6. **An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 207, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 207 as introduced.)

Committee Vote: Yeas 6, Nays 0

Senator Zakas, Chairperson

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 207, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 207 as printed January 15, 2014.)

Committee Vote: Yeas 12, Nays 0

Representative Smith M

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 207 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-46-1-8, AS AMENDED BY P.L.198-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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

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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, **including the proposed public question language required by section 10 of this chapter**, to the following:

(1) ~~The department of local government finance. including (in the case of a resolution certified to the department of local government finance after April 30, 2011) the language for the question required by section 10 of this chapter. In the case of a resolution certified to the department of local government finance after April 30, 2011, the department shall review the language for compliance with section 10 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)~~ (2) **The county fiscal body of each county in which the school corporation is located** (for informational purposes only).  
and

~~(2)~~ (3) The circuit court clerk of each county in which the school corporation is located.

(c) **If the certification under subsection (b) is made not later than the applicable time set forth in IC 3-10-9-3:**

(1) **the certification required by IC 3-10-9-3 is considered to have been made; and**

(2) **the referendum shall be held at the next primary, municipal primary, municipal, or general election, as applicable under IC 3-10-9-3."**

Page 1, after line 13, begin a new paragraph and insert:

"SECTION 3. IC 20-46-1-13, AS AMENDED BY P.L.198-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) Each circuit court clerk shall, upon receiving the question certified by the governing body of a school corporation under this chapter, call a meeting of the county election board to make arrangements for the referendum.

(b) **The county election board shall review the proposed public question language.**

(c) **If the county election board determines that the proposed public question language fairly describes the referendum tax levy, the county election board shall approve the proposed language.**





**(d) If the county election board determines that the proposed public question language does not fairly describe the referendum tax levy, the county election board shall revise the public question language.**

**(e) If the county election board revises the public question language under subsection (d), the governing body of the school corporation may request the Indiana election commission to review the county election board's revision. If the governing body of the school corporation requests a review under this subsection, the Indiana election commission shall do one (1) of the following:**

- (1) Approve the public question language originally proposed by the governing body.**
- (2) Approve the public question language as revised by the county election board.**
- (3) Prescribe the public question language to be used for the referendum.**

**In determining what the public question language should be, the Indiana election commission shall determine what language most fairly describes the referendum tax levy.**

**(f) If the Indiana election commission does not make a determination under subsection (e) before:**

- (1) sixty (60) days before a primary election, if the question is to be placed on the primary or municipal primary election ballot; or**
- (2) August 1, if the question is to be placed on the general or municipal election ballot;**

**the determination of the county election board is considered approved.**

**(g) The public question language as determined under subsection (c), (d), (e), or (f), whichever is applicable, is the public question language that must be used for the referendum.**

SECTION 4. IC 20-46-1-14, AS AMENDED BY P.L.113-2010, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) The referendum shall be held in the next primary election, general election, or municipal election in which all the registered voters who are residents of the appellant school corporation are entitled to vote after certification of the question under IC 3-10-9-3. The certification of the question must occur not later than noon:

- (1) sixty (60) days before a primary election if the question is to be placed on the primary or municipal primary election ballot; or**
- (2) August 1 if the question is to be placed on the general or**



~~municipal election ballot.~~

~~However, section 8 of this chapter.~~

~~(b) If a primary election, general election, or municipal election will not be held during the first year in which the public question is eligible to be placed on the ballot under this chapter and if the appellant school corporation requests the public question to be placed on the ballot at a special election, the public question shall be placed on the ballot at a special election to be held on the first Tuesday after the first Monday in May or November of the year. The certification must occur not later than noon sixty (60) days before a special election to be held in May (if the special election is to be held in May) or noon on August 1 (if the special election is to be held in November): the applicable time set forth in IC 3-10-9-3. (b) If the referendum is not conducted at a primary election, general election, or municipal election, special election, the appellant school corporation in which the referendum is to be held shall pay all the costs of holding the referendum."~~

~~Renumber all SECTIONS consecutively.~~

~~(Reference is to ESB 207 as printed February 14, 2014.)~~

SOLIDAY

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#### HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 207 be amended to read as follows:

Page 1, after line 13, begin a new paragraph and insert:

"SECTION 2. IC 20-46-1-19, AS AMENDED BY P.L.146-2008, SECTION 503, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. If a majority of the persons who voted in the referendum did not vote "yes" on the referendum question:

- (1) the school corporation may not make any levy for its referendum tax levy fund; and
- (2) another referendum under this section may not be held ~~for one~~ **(+) year earlier than three hundred fifty (350) days** after the date of the referendum.

SECTION 3. **An emergency is declared for this act."**

~~(Reference is to ESB 207 as printed February 14, 2014.)~~

SMITH M

