



February 6, 2019

SENATE BILL No. 127

DIGEST OF SB 127 (Updated February 5, 2019 11:38 am - DI 125)

Citations Affected: IC 6-1.1; IC 10-21; IC 20-26; IC 20-29; IC 20-40; IC 20-46.

Synopsis: Referendum for school safety levy. Allows a school corporation to adopt a resolution to place a referendum on the ballot to impose a school safety referendum tax levy to improve school safety. Allows a school corporation to impose a school safety referendum tax levy if approved by a majority of the voters. Requires a school corporation to certify a copy of: (1) the resolution to place a referendum for a school safety referendum tax levy on the ballot; and (2) the language for the question; to the department of local government finance (department) for review and approval. Provides that voters may not approve a school safety referendum tax levy that is imposed for more than 10 years. Provides that a school safety referendum tax levy may be reimposed or extended. Requires a county auditor to distribute proceeds attributable to property taxes imposed after being approved by the voters in a referendum to the school corporation. Specifies when a referendum is to be held. Requires the circuit court clerk of each county to certify the results of the referendum for a school safety referendum tax levy to the department. Provides that if a school safety referendum tax levy is approved by the voters in a school corporation in a calendar year, another school safety referendum levy question may not be placed on the ballot in the school corporation in the following calendar year. Provides that if a school corporation imposes a school safety referendum tax levy approved in a referendum, the school corporation may not simultaneously impose more than one additional school safety referendum tax levy approved
(Continued next page)

Effective: July 1, 2019.

Holdman, Merritt, Becker

January 3, 2019, read first time and referred to Committee on Tax and Fiscal Policy.
February 5, 2019, amended, reported favorably — Do Pass.

SB 127—LS 6294/DI 125



Digest Continued

in a subsequent referendum. Provides that during the period beginning with the adoption of a resolution by a school corporation to place a school safety referendum tax levy question on the ballot and continuing through the day on which the referendum is submitted to the voters, the school corporation may not promote a position on the referendum by taking certain actions. Provides that a school board member, school corporation superintendent, school corporation assistant superintendent, or chief school business official of a school corporation may discuss and personally advocate a position on a referendum for a school safety referendum tax levy outside a regular school day as long as public funds are not used. Requires the governing body of a school corporation for which a school safety referendum tax levy is approved to establish a school safety referendum tax levy fund (fund). Specifies purposes for which money from the fund may be used. Expands the use of a matching grant from the Indiana secured school fund by a school corporation or charter school (school) to allow the school to use the matching grant to provide a response to a threat in a manner that the school sees fit, including the use of firearms training or other self-defense training. Provides that if a school safety referendum tax levy is approved by the voters in a school corporation in a calendar year in an amount greater than \$0.075 on each \$100 dollars of assessed valuation, the school corporation may not be awarded a matching grant from the Indiana secured school fund. Requires that a school resource officer participate in the development of programs designed to identify, assess, and provide assistance to troubled youth.

SB 127—LS 6294/DI 125



February 6, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 127

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 6-1.1-20.6-9.5, AS AMENDED BY P.L.218-2013,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 9.5. (a) This section applies only to credits under
4 this chapter against property taxes first due and payable after December
5 31, 2006.

6 (b) The application of the credit under this chapter results in a
7 reduction of the property tax collections of each political subdivision
8 in which the credit is applied. Except as provided in IC 20-46-1 **and**
9 **IC 20-46-9**, a political subdivision may not increase its property tax
10 levy to make up for that reduction.

11 (c) A political subdivision may not borrow money to compensate the
12 political subdivision or any other political subdivision for the reduction
13 of property tax collections referred to in subsection (b).

14 SECTION 2. IC 10-21-1-2, AS ADDED BY P.L.172-2013,
15 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

SB 127—LS 6294/DI 125



1 JULY 1, 2019]: Sec. 2. (a) The Indiana secured school fund is
 2 established to provide matching grants to enable school corporations
 3 and charter schools to establish programs under which a school
 4 corporation or charter school (or a coalition of schools) may:

5 (1) employ a school resource officer or enter into a contract or a
 6 memorandum of understanding with a:

7 (A) local law enforcement agency;

8 (B) private entity; or

9 (C) nonprofit corporation;

10 to employ a school resource officer;

11 (2) conduct a threat assessment of the buildings within a school
 12 corporation or operated by a charter school; or

13 (3) purchase equipment and technology to:

14 (A) restrict access to school property; or

15 (B) expedite notification of first responders.

16 **(b) A school corporation or charter school may use money**
 17 **received under a matching grant for a purpose listed in subsection**
 18 **(a) to provide a response to a threat in a manner that the school**
 19 **corporation or charter school sees fit, including firearms training**
 20 **or other self-defense training.**

21 ~~(b)~~ (c) The fund shall be administered by the department of
 22 homeland security.

23 ~~(c)~~ (d) The fund consists of:

24 (1) appropriations from the general assembly;

25 (2) grants from the Indiana safe schools fund established by
 26 IC 5-2-10.1-2;

27 (3) federal grants; and

28 (4) amounts deposited from any other public or private source.

29 ~~(d)~~ (e) The expenses of administering the fund shall be paid from
 30 money in the fund.

31 ~~(e)~~ (f) The treasurer of state shall invest the money in the fund not
 32 currently needed to meet the obligations of the fund in the same
 33 manner as other public money may be invested. Interest that accrues
 34 from these investments shall be deposited in the fund.

35 ~~(f)~~ (g) Money in the fund at the end of a state fiscal year does not
 36 revert to the state general fund.

37 SECTION 3. IC 10-21-1-4, AS AMENDED BY P.L.30-2014,
 38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2019]: Sec. 4. (a) The board may award a matching grant to
 40 enable a school corporation or charter school (or a coalition of schools
 41 applying jointly) to establish a program to employ a school resource
 42 officer, provide school resource officer training described in



1 IC 20-26-18.2-1(b)(2), conduct a threat assessment, or purchase
2 equipment to restrict access to the school or expedite the notification
3 of first responders in accordance with section 2(a) of this chapter.

4 (b) A matching grant awarded to a school corporation or charter
5 school (or a coalition of schools applying jointly) may not exceed the
6 lesser of the following during a two (2) year period beginning on or
7 after May 1, 2013:

8 (1) The total cost of the program established by the school
9 corporation or charter school (or the coalition of schools applying
10 jointly).

11 (2) The following amounts:

12 (A) Fifty thousand dollars (\$50,000) per year, in the case of a
13 school corporation or charter school that:

14 (i) has an ADM of at least one thousand (1,000); and

15 (ii) is not applying jointly with any other school corporation
16 or charter school.

17 (B) Thirty-five thousand dollars (\$35,000) per year, in the case
18 of a school corporation or charter school that:

19 (i) has an ADM of less than one thousand (1,000); and

20 (ii) is not applying jointly with any other school corporation
21 or charter school.

22 (C) Fifty thousand dollars (\$50,000) per year, in the case of a
23 coalition of schools applying jointly.

24 (c) A school corporation or charter school may receive only one (1)
25 matching grant under this section each year.

26 (d) The board may not award a grant to a school corporation or
27 charter school under this chapter unless the school corporation or
28 charter school is in a county that has a county school safety
29 commission, as described in IC 5-2-10.1-10.

30 **(e) The board may not award a grant to a school corporation**
31 **under this chapter if the school corporation imposes a school safety**
32 **referendum tax levy under IC 20-46-9 in an amount greater than**
33 **seven and five tenths cents (\$0.075) on each one hundred dollars**
34 **(\$100) of assessed valuation.**

35 SECTION 4. IC 20-26-18.2-2, AS ADDED BY P.L.172-2013,
36 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2019]: Sec. 2. (a) A school resource officer may be employed:

38 (1) by one (1) or more school corporations or charter schools
39 through a contract between a local law enforcement agency and
40 the school corporation or school corporations or the charter school
41 or charter schools;

42 (2) by one (1) or more school corporations or charter schools;



1 (3) by a local law enforcement agency that assigns the school
 2 resource officer to one (1) or more school corporations or charter
 3 schools through a memorandum of understanding between the
 4 local law enforcement agency and the school corporation or
 5 school corporations or the charter school or charter schools; or
 6 (4) through a contract between an Indiana business that employs
 7 persons who meet the qualifications of a school resource officer
 8 and the school corporation or school corporations or the charter
 9 school or charter schools.

10 (b) A contract or memorandum of understanding entered into under
 11 subsection (a) must state the nature and scope of a school resource
 12 officer's duties and responsibilities. A school resource officer's duties
 13 and responsibilities include the duty to assist the school corporation's
 14 school safety specialist with the development and implementation of a
 15 school safety plan that does the following:

- 16 (1) Protects against outside threats to the physical safety of
 17 students.
 18 (2) Prevents unauthorized access to school property.
 19 (3) Secures schools against violence and natural disasters.

20 (c) A school resource officer shall consult with local law
 21 enforcement officials and first responders when assisting the school
 22 corporation's school safety specialist in the development of the school
 23 safety plan.

24 **(d) A school resource officer shall participate in the**
 25 **development of programs designed to identify, assess, and provide**
 26 **assistance to troubled youth.**

27 **(e) A school resource officer may not be reassigned to other**
 28 **duties by the school corporation.**

29 SECTION 5. IC 20-29-2-6, AS AMENDED BY P.L.213-2018(ss),
 30 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2019]: Sec. 6. "Deficit financing" for a budget year:

- 32 (1) means, except as provided in subdivision (2), actual
 33 expenditures exceeding the employer's current year actual
 34 education fund revenue and, for a school employer for which the
 35 voters have passed an operating referendum tax levy under
 36 IC 20-46-1 **or a school safety referendum tax levy under**
 37 **IC 20-46-9**, the amount of revenue certified by the department of
 38 local government finance; or
 39 (2) means, in the case of any distressed school corporation, the
 40 Gary Community School Corporation, or the Muncie Community
 41 school corporation, actual expenditures plus additional payments
 42 against any outstanding debt obligations exceeding the employer's



1 current year actual education fund revenue, and, for a school
 2 employer for which the voters have passed an operating
 3 referendum tax levy under IC 20-46-1 **or a school safety**
 4 **referendum tax levy under IC 20-46-9**, the amount of revenue
 5 certified by the department of local government finance.

6 Revenue does not include money estimated to be or actually transferred
 7 from the school corporation's operations fund to its education fund.

8 SECTION 6. IC 20-29-6-12.5, AS AMENDED BY P.L.244-2017,
 9 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2019]: Sec. 12.5. (a) Before September 15 of the first year of
 11 the state budget biennium, the department shall provide the parties with
 12 an estimate of the general fund (before January 1, 2019) or education
 13 fund (after December 31, 2018) revenue available for bargaining in the
 14 school corporation from the school funding formula.

15 (b) Within thirty (30) days after the date of the fall count of ADM
 16 of the school year in the first year of the state budget biennium, the
 17 department shall provide the parties with a certification of estimated
 18 general fund (before January 1, 2019) or education fund (after
 19 December 31, 2018) revenue available for bargaining from the school
 20 funding formula. If the parties do not receive a certified estimate from
 21 the department within thirty (30) days after the fall count of ADM, the
 22 parties may use the school corporation's estimate of the general fund
 23 (before January 1, 2019) or education fund (after December 31, 2018)
 24 revenue available based on the school corporation's fall count of ADM
 25 for purposes of collective bargaining. However, if the parties
 26 subsequently receive the certification of estimated general fund (before
 27 January 1, 2019) or education fund (after December 31, 2018) revenue
 28 available for bargaining before an impasse is declared, the parties shall
 29 use the certified general fund (before January 1, 2019) or education
 30 fund (after December 31, 2018) revenue from the school funding
 31 formula for purposes of collective bargaining.

32 (c) A school employer for which the voters have passed a general
 33 fund operating referendum (before January 1, 2019), ~~or~~ an operating
 34 referendum tax levy (after December 31, 2018) under IC 20-46-1, **or**
 35 **a school safety referendum tax levy under IC 20-46-9** must have that
 36 amount certified by the department of local government finance.

37 (d) The school corporation must obtain the certification described
 38 in subsection (c) before the conclusion of bargaining. The certifications
 39 or estimate described in subsection (b) must be the basis for
 40 determinations throughout impasse proceedings under this chapter.

41 SECTION 7. IC 20-29-8-7, AS AMENDED BY P.L.244-2017,
 42 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2019]: Sec. 7. (a) When a factfinder is requested or required
2 under IC 20-29-6, the board shall appoint a factfinder.

3 (b) The factfinder shall make an investigation and hold hearings as
4 the factfinder considers necessary in connection with a dispute.

5 (c) The factfinder:

6 (1) may restrict the factfinder's findings to those issues that the
7 factfinder determines significant;

8 (2) must restrict the findings to the items listed in IC 20-29-6-4;
9 and

10 (3) may not impose terms beyond those proposed by the parties in
11 their last, best offers.

12 (d) The factfinder may use evidence furnished to the factfinder by:

13 (1) the parties;

14 (2) the board;

15 (3) the board's staff; or

16 (4) any other state agency.

17 (e) The factfinder shall conduct the factfinding hearing in public in
18 a room or facility owned by the county or local unit of government
19 located in the county in which the school employer is located, or if the
20 school employer is located in more than one (1) county, in the county
21 in which the greatest number of students who attend the school
22 employer's schools reside. The public hearing may begin not earlier
23 than November 15 in the first year of the state budget biennium and
24 must be concluded by February 15 of the calendar year after the start
25 of formal collective bargaining.

26 (f) The factfinding process may not exceed thirty (30) days from
27 beginning to end, and not more than two (2) of those days may be used
28 for public testimony, which may be taken at the discretion of the
29 factfinder. During the public hearing, each party shall present fully its
30 last, best offer, including the fiscal rationale for the offer. Only
31 education fund revenue and, for a school employer for which the voters
32 have passed an operating referendum tax levy under IC 20-46-1 **or a**
33 **school safety referendum tax levy under IC 20-46-9**, the amount of
34 revenue certified by the department of local government finance, may
35 be considered a source of the funding for items. Money estimated to be
36 or actually transferred from the school corporation's operations fund to
37 its education fund may not be considered a source of funding for items.

38 (g) The factfinder shall make a recommendation as to the settlement
39 of the disputes over which the factfinder has jurisdiction.

40 (h) The factfinder shall:

41 (1) make the investigation, hearing, and findings as expeditiously
42 as the circumstances permit; and



- 1 (2) deliver the findings to the parties and to the board.
- 2 (i) The board, after receiving the findings and recommendations,
3 may make additional findings and recommendations to the parties
4 based on information in:
- 5 (1) the report; or
6 (2) the board's own possession.
- 7 The board may not make any recommendations to the parties related to
8 any items not specifically identified in IC 20-29-6-4.
- 9 (j) At any time within five (5) days after the findings and
10 recommendations are delivered to the board, the board may make the
11 findings and recommendations of the factfinder and the board's
12 additional findings and recommendations, if any, available to the
13 public through news media and other means the board considers
14 effective.
- 15 (k) The board shall make the findings and recommendations
16 described in subsection (j) available to the public not later than ten (10)
17 days after the findings and recommendations are delivered to the board.
- 18 SECTION 8. IC 20-40-20 IS ADDED TO THE INDIANA CODE
19 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2019]:
- 21 **Chapter 20. School Safety Referendum Tax Levy Fund**
- 22 **Sec. 1. As used in this chapter, "fund" refers to a school safety**
23 **referendum tax levy fund established under section 4 of this**
24 **chapter.**
- 25 **Sec. 2. As used in this chapter, "levy" refers to a school safety**
26 **referendum tax levy imposed under IC 20-46-9 for the fund.**
- 27 **Sec. 3. As used in this chapter, "school resource officer" has the**
28 **meaning set forth in IC 20-26-18.2-1.**
- 29 **Sec. 4. The governing body of each school corporation for which**
30 **a levy is approved under IC 20-46-9 shall establish a school safety**
31 **referendum tax levy fund.**
- 32 **Sec. 5. Property tax collections from a levy shall be deposited in**
33 **the fund.**
- 34 **Sec. 6. (a) Subject to subsections (b) and (c), money in the fund**
35 **may be used only for the following purposes:**
- 36 (1) To employ or compensate a school resource officer or
37 school resource officers.
38 (2) To establish or fund a school safety office.
39 (3) To conduct a threat assessment of a school building.
40 (4) To create or update a school safety plan.
41 (5) To develop or update school emergency response systems.
42 (6) To purchase equipment to improve the safety of a school



1 building, school grounds, or school buses.

2 (7) To pay capital expenses to improve the safety of a school
3 building.

4 (8) To establish and administer programs to address youth
5 specific mental illness, addiction, anger management,
6 bullying, and school violence.

7 (9) To develop and administer professional development
8 programs for teachers, administrators, and other school
9 employees designed to improve school safety and reduce
10 violence.

11 (10) To pay the school corporation's debt service on bonds or
12 obligations issued or incurred to pay for school safety
13 referendum tax levy purposes described in subdivisions (1)
14 through (9).

15 (b) Expenditures paid using money collected from the levy shall
16 be included in a school's safety plan.

17 (c) Local law enforcement shall participate in:

18 (1) development of a school safety plan;

19 (2) development or updates to school emergency response
20 systems; and

21 (3) determination of capital expenses that would improve the
22 safety of a school building.

23 (d) Money in the fund may be transferred to the school
24 corporation's education fund (IC 20-40-2) or operations fund
25 (IC 20-40-18), as applicable, to pay for expenditures listed in
26 subsection (a).

27 SECTION 9. IC 20-46-9 IS ADDED TO THE INDIANA CODE AS
28 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
29 1, 2019]:

30 **Chapter 9. School Safety Referendum Tax Levy**

31 **Sec. 1.** As used in this chapter, "fund" refers to a school safety
32 referendum tax levy fund established by the governing body of a
33 school corporation under IC 20-40-20-4.

34 **Sec. 2.** As used in this chapter, "levy" refers to the property tax
35 levy imposed under this chapter.

36 **Sec. 3.** As used in this chapter, "referendum" refers to a
37 referendum under this chapter.

38 **Sec. 4.** As used in this chapter, "resolution to extend a
39 referendum levy" refers to a resolution adopted under sections 6
40 and 7 of this chapter to place a referendum on the ballot requesting
41 authority to continue imposing a tax rate, which is the same as or
42 lower than the tax rate previously approved by the voters of the



1 school corporation.

2 Sec. 5. A school corporation may impose a school safety
3 referendum tax levy for the school corporation's fund in the
4 amount allowed under sections 6 through 19 of this chapter, but
5 the amount may not exceed ten cents (\$0.10) on each one hundred
6 dollars (\$100) of assessed valuation.

7 Sec. 6. (a) Subject to this chapter, the governing body of a school
8 corporation may adopt a resolution to place a referendum under
9 this chapter on the ballot if the governing body of the school
10 corporation determines that a referendum levy should be imposed
11 for measures to improve school safety as described in
12 IC 20-40-20-6(a).

13 (b) The governing body of the school corporation shall certify
14 a copy of the resolution to the following:

15 (1) The department of local government finance, including the
16 language for the question required by section 9 of this
17 chapter, or in the case of a resolution to extend a referendum
18 levy certified to the department of local government finance,
19 section 10 of this chapter. The department shall review the
20 language for compliance with section 9 or 10 of this chapter,
21 whichever is applicable, and either approve or reject the
22 language. The department shall send its decision to the
23 governing body of the school corporation not more than ten
24 (10) days after the resolution is submitted to the department.
25 If the language is approved, the governing body of the school
26 corporation shall certify a copy of the resolution, including
27 the language for the question and the department's approval.

28 (2) The county fiscal body of each county in which the school
29 corporation is located (for informational purposes only).

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

32 Sec. 7. A resolution to extend a referendum levy must be:

33 (1) adopted by the governing body of a school corporation;
34 and

35 (2) approved in a referendum under this chapter;
36 before December 31 of the final calendar year in which the school
37 corporation's previously approved referendum levy is imposed
38 under this chapter.

39 Sec. 8. A referendum levy under this chapter may be put into
40 effect only if a majority of the individuals who vote in a
41 referendum that is conducted in accordance with this section and
42 sections 9 through 19 of this chapter approve the school



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corporation's making a levy for the ensuing calendar year.

Sec. 9. The question to be submitted to the voters in the referendum must read as follows:

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

Sec. 10. (a) This section applies only to a referendum to allow a school corporation to extend a referendum levy.

(b) The question to be submitted to the voters in the referendum must read as follows:

"For the __ (insert number) calendar year or years immediately following the holding of the referendum, shall the school corporation continue to impose a property tax rate that does not exceed _____ (insert amount) cents (\$0. __) (insert amount) on each one hundred dollars (\$100) of assessed valuation and for the purpose of funding _____ (insert short description of purposes)?

The tax rate requested in this referendum was originally approved by the voters in the _____ (insert name of the school corporation) in _____ (insert the year in which the referendum tax levy was approved)."

(c) The number of years for which a referendum levy may be extended if the public question under this section is approved may not exceed the number of years for which the expiring referendum levy was imposed.

Sec. 11. The county auditor shall distribute proceeds collected from an allocation area (as defined in IC 6-1.1-21.2-3) that are attributable to property taxes imposed after being approved by the voters in a referendum to the school corporation for which the referendum was conducted. The amount to be distributed to the school corporation shall be treated as part of the referendum levy for purposes of setting the school corporation's tax rates.

Sec. 12. The voters in a referendum may not approve a levy that is imposed for more than ten (10) years. However, a levy may be reimposed or extended under this chapter.



1 **Sec. 13. Each circuit court clerk shall, upon receiving the**
 2 **question certified by the governing body of a school corporation**
 3 **under this chapter, call a meeting of the county election board to**
 4 **make arrangements for the referendum.**

5 **Sec. 14. (a) The referendum shall be held in the next primary**
 6 **election, general election, or municipal election in which all the**
 7 **registered voters who are residents of the school corporation are**
 8 **entitled to vote after certification of the question under**
 9 **IC 3-10-9-3. The certification of the question must occur not later**
 10 **than noon:**

11 **(1) sixty (60) days before a primary election if the question is**
 12 **to be placed on the primary or municipal primary election**
 13 **ballot; or**

14 **(2) August 1 if the question is to be placed on the general or**
 15 **municipal election ballot.**

16 **(b) However, if a primary election, general election, or**
 17 **municipal election will not be held during the first year in which**
 18 **the public question is eligible to be placed on the ballot under this**
 19 **chapter and if the school corporation requests the public question**
 20 **to be placed on the ballot at a special election, the public question**
 21 **shall be placed on the ballot at a special election to be held on the**
 22 **first Tuesday after the first Monday in May or November of the**
 23 **year. The certification must occur not later than noon:**

24 **(1) sixty (60) days before a special election to be held in May**
 25 **(if the special election is to be held in May); or**

26 **(2) August 1 (if the special election is to be held in November).**

27 **(c) If the referendum is not conducted at a primary election,**
 28 **general election, or municipal election, the school corporation in**
 29 **which the referendum is to be held shall pay all the costs of holding**
 30 **the referendum.**

31 **Sec. 15. Each county election board shall cause:**

32 **(1) the question certified to the circuit court clerk by the**
 33 **governing body of a school corporation to be placed on the**
 34 **ballot in the form prescribed by IC 3-10-9-4; and**

35 **(2) an adequate supply of ballots and voting equipment to be**
 36 **delivered to the precinct election board of each precinct in**
 37 **which the referendum is to be held.**

38 **Sec. 16. The individuals entitled to vote in the referendum are**
 39 **all of the registered voters resident in the school corporation.**

40 **Sec. 17. Each precinct election board shall count the affirmative**
 41 **votes and the negative votes cast in the referendum and shall**
 42 **certify those two (2) totals to the county election board of each**



1 county in which the referendum is held. The circuit court clerk of
 2 each county shall, immediately after the votes cast in the
 3 referendum have been counted, certify the results of the
 4 referendum to the department of local government finance. If a
 5 majority of the individuals who voted in the referendum voted
 6 "yes" on the referendum question:

7 (1) the department of local government finance shall promptly
 8 notify the school corporation that the school corporation is
 9 authorized to collect, for the calendar year that next follows
 10 the calendar year in which the referendum is held, a levy not
 11 greater than the amount approved in the referendum;

12 (2) the levy may be imposed for the number of calendar years
 13 approved by the voters following the referendum for the
 14 school corporation in which the referendum is held; and

15 (3) the school corporation shall establish a fund under
 16 IC 20-40-20-4.

17 Sec. 18. A school corporation's levy under this chapter may not
 18 be considered in the determination of the school corporation's state
 19 tuition support distribution under IC 20-43 or the determination
 20 of any other property tax levy imposed by the school corporation.

21 Sec. 19. (a) If a majority of the persons who voted in the
 22 referendum did not vote "yes" on the referendum question:

23 (1) the school corporation may not make any levy for its
 24 school safety referendum tax levy fund; and

25 (2) another referendum under this chapter may not be held
 26 earlier than:

27 (A) except as provided in clause (B), seven hundred (700)
 28 days after the date of the referendum; or

29 (B) three hundred fifty (350) days after the date of the
 30 referendum, if a petition that meets the requirements of
 31 subsection (b) is submitted to the county auditor.

32 (b) If a majority of the persons who voted in the referendum did
 33 not vote "yes" on the referendum question, a petition may be
 34 submitted to the county auditor to request that the limit under
 35 subsection (a)(2)(B) applies to the holding of a subsequent
 36 referendum by the school corporation. If such a petition is
 37 submitted to the county auditor and is signed by the lesser of:

38 (1) five hundred (500) persons who are either owners of
 39 property within the school corporation or registered voters
 40 residing within the school corporation; or

41 (2) five percent (5%) of the registered voters residing within
 42 the school corporation;



1 the limit under subsection (a)(2)(B) applies to the holding of a
 2 second referendum by the school corporation, and the limit under
 3 subsection (a)(2)(A) does not apply to the holding of a second
 4 referendum by the school corporation.

5 Sec. 20. (a) If a referendum is approved by the voters in a school
 6 corporation under this chapter in a calendar year, another
 7 referendum may not be placed on the ballot in the school
 8 corporation under this chapter in the following calendar year.

9 (b) Notwithstanding any other provision of this chapter and in
 10 addition to the restriction specified in subsection (a), if a school
 11 corporation imposes in a calendar year a referendum levy
 12 approved in a referendum under this chapter, the school
 13 corporation may not simultaneously impose in that calendar year
 14 more than one (1) additional referendum levy approved in a
 15 subsequent referendum under this chapter.

16 Sec. 21. (a) Except as otherwise provided in this section, during
 17 the period beginning with the adoption of a resolution by the
 18 governing body of a school corporation to place a referendum
 19 under this chapter on the ballot and continuing through the day on
 20 which the referendum is submitted to the voters, the school
 21 corporation may not promote a position on the referendum by
 22 doing any of the following:

23 (1) Using facilities or equipment, including mail and
 24 messaging systems, owned by the school corporation to
 25 promote a position on the referendum, unless equal access to
 26 the facilities or equipment is given to persons with a position
 27 opposite to that of the school corporation.

28 (2) Making an expenditure of money from a fund controlled
 29 by the school corporation to promote a position on the
 30 referendum.

31 (3) Using an employee to promote a position on the
 32 referendum during the employee's normal working hours or
 33 paid overtime, or otherwise compelling an employee to
 34 promote a position on the referendum at any time. However,
 35 if a person described in subsection (d) is advocating for or
 36 against a position on the referendum or discussing the
 37 referendum as authorized under subsection (d), an employee
 38 of the school corporation may assist the person in presenting
 39 information on the referendum, if requested to do so by the
 40 person described in subsection (d).

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

42 (A) using students to transport written materials to their



1 residences or in any way involving students in a school
 2 organized promotion of a position;
 3 **(B) including a statement within another communication**
 4 **sent to the students' residences; or**
 5 **(C) initiating discussion of the referendum at a meeting**
 6 **between a teacher and parents of a student regarding the**
 7 **student's performance or behavior at school. However, if**
 8 **the parents initiate a discussion of the referendum at the**
 9 **meeting, the teacher may acknowledge the issue and direct**
 10 **the parents to a source of factual information on the**
 11 **referendum.**

12 **However, this section does not prohibit an official or employee of**
 13 **the school corporation from carrying out duties with respect to a**
 14 **referendum that are part of the normal and regular conduct of the**
 15 **official's or employee's office or agency, including the furnishing**
 16 **of factual information regarding the referendum in response to**
 17 **inquiries from any person.**

18 **(b) The staff and employees of a school corporation may not**
 19 **personally identify a student as the child of a parent or guardian**
 20 **who supports or opposes the referendum.**

21 **(c) This subsection does not apply to:**

22 **(1) a personal expenditure to promote a position on a local**
 23 **public question by an employee of a school corporation whose**
 24 **employment is governed by a collective bargaining contract**
 25 **or an employment contract; or**

26 **(2) an expenditure to promote a position on a local public**
 27 **question by a person or an organization that has a contract or**
 28 **an arrangement (whether formal or informal) with the school**
 29 **corporation solely for the use of the school corporation's**
 30 **facilities.**

31 **A person or an organization that has a contract or arrangement**
 32 **(whether formal or informal) with a school corporation to provide**
 33 **goods or services to the school corporation may not spend any**
 34 **money to promote a position on the petition or remonstrance. A**
 35 **person or an organization that violates this subsection commits a**
 36 **Class A infraction.**

37 **(d) Notwithstanding any other law, an elected or appointed**
 38 **school board member or a school corporation superintendent,**
 39 **school corporation assistant superintendent, or chief school**
 40 **business official of a school corporation may at any time:**

41 **(1) personally advocate for or against a position on a**
 42 **referendum; or**



1 **(2) discuss the referendum with any individual, group, or**
2 **organization or personally advocate for or against a position**
3 **on a referendum before any individual, group, or**
4 **organization;**
5 **so long as it is not done by using public funds. Advocacy or**
6 **discussion allowed under this subsection is not considered a use of**
7 **public funds. However, this subsection does not authorize or apply**
8 **to advocacy or discussion by a school board member,**
9 **superintendent, assistant superintendent, or school business official**
10 **to or with students that occurs during the regular school day.**
11 **(e) A student may use school equipment or facilities to report or**
12 **editorialize about a local public question as part of the news**
13 **coverage of the referendum by a student newspaper or broadcast.**



COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill No. 127, 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 1, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 2. IC 10-21-1-2, AS ADDED BY P.L.172-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The Indiana secured school fund is established to provide matching grants to enable school corporations and charter schools to establish programs under which a school corporation or charter school (or a coalition of schools) may:

(1) employ a school resource officer or enter into a contract or a memorandum of understanding with a:

(A) local law enforcement agency;

(B) private entity; or

(C) nonprofit corporation;

to employ a school resource officer;

(2) conduct a threat assessment of the buildings within a school corporation or operated by a charter school; or

(3) purchase equipment and technology to:

(A) restrict access to school property; or

(B) expedite notification of first responders.

(b) A school corporation or charter school may use money received under a matching grant for a purpose listed in subsection (a) to provide a response to a threat in a manner that the school corporation or charter school sees fit, including firearms training or other self-defense training.

~~(b)~~ (c) The fund shall be administered by the department of homeland security.

~~(c)~~ (d) The fund consists of:

(1) appropriations from the general assembly;

(2) grants from the Indiana safe schools fund established by IC 5-2-10.1-2;

(3) federal grants; and

(4) amounts deposited from any other public or private source.

~~(d)~~ (e) The expenses of administering the fund shall be paid from money in the fund.

~~(e)~~ (f) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues



from these investments shall be deposited in the fund.

(f) (g) Money in the fund at the end of a state fiscal year does not revert to the state general fund."

Page 2, line 36, delete "IC 20-46-9." and insert "**IC 20-46-9 in an amount greater than seven and five tenths cents (\$0.075) on each one hundred dollars (\$100) of assessed valuation.**".

Page 8, line 7, delete "five cents (\$0.05)" and insert "**ten cents (\$0.10)**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 127 as introduced.)

HOLDMAN, Chairperson

Committee Vote: Yeas 12, Nays 1.

