

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1135 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 Page 1, between the enacting clause and line 1, begin a new paragraph
- 4 and insert:
- 5 Chapter 11.1. Indianapolis Central School
- 6 SECTION 1. IC 20-3-11.1-1 IS ADDED TO THE INDIANA
- 7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 8 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This chapter applies to a
- 9 common school corporation that:
- 10 (1) is located in whole or in part in the most populous township
- 11 in a county having a population of more than seven hundred
- 12 thousand (700,000); and
- 13 (2) has boundaries of Thirteenth (13th) Street to the north,
- 14 Morris Street to the south, College Avenue to the east, and West
- 15 Street to the west; and
- 16 (3) whose legal obligation to the students residing within the
- 17 corporation is to transfer each student to a school of the
- 18 students choice located anywhere within Marion County and to
- 19 pay all transfer and transportation costs for such transfer.
- 20 (b) The term "the school city" is used in this chapter to signify any
- 21 school corporation to which this chapter is, or may become applicable.
- 22 The government, management, and control of the school city
- 23 corporation shall be and are hereby vested in a board of school
- 24 commissioners (sometimes called "the board" in this chapter) which
- 25 shall consist of five (5) school commissioners.
- 26 (c) The corporate name of such school city shall be "The Board of

1 School Commissioners of the Indianapolis Central School" and by that
2 corporate name the said school shall contract, be contracted with, sue,
3 and be sued.

4 (d) Said board of school commissioners shall have and exercise all
5 of the following powers:

6 (1) The powers conferred upon school cities by Acts 1871, c.15.

7 (2) The powers conferred by law as of March 9, 1931, on boards
8 of school commissioners in cities having a population of one
9 hundred thousand (100,000) or more.

10 (3) Those powers conferred by all laws in effect as of March 9,
11 1931, on boards of school commissioners in cities having a
12 population of more than two hundred thousand (200,000) or
13 more than three hundred thousand (300,000).

14 (4) Those powers conferred under IC 20-5-1 through IC 20-5-6,
15 except as otherwise provided in this chapter.

16 (5) The power to transfer each student of the school city to any
17 school within Marion County and to pay the transfer fees and
18 transportation costs for such transfer.

19 The board of school commissioners provided for by this chapter, in its
20 respective school city, shall be liable for and shall pay and discharge
21 all of the indebtedness, liabilities, and obligations of any board of
22 school commissioners elected or appointed in such school city under
23 any of the statutes listed in this subsection and under this chapter.

24 SECTION 2. IC 20-3-11.1-2 IS ADDED TO THE INDIANA
25 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
26 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Each member of the
27 board of school commissioners must be a resident voter of the school
28 city, and must have been a resident for at least one (1) year
29 immediately preceding the member's election or appointment. A board
30 member may not serve in any elective or appointive office under the
31 board of school commissioners or under the government of the civil
32 city while serving on the board. A board member may not knowingly
33 have a pecuniary interest (as defined in IC 35-44-1-3(g)) in any
34 contract or purchase with the school city in which the member is
35 elected. If, at any time after the member is elected to the board, a board
36 member knowingly acquires a pecuniary interest in any contract or
37 purchase with the school city, the member shall be disqualified to
38 continue as a member of the board, and a vacancy in the office is
39 created.

40 (b) Each member of the board shall, before assuming the duties of
41 office, take an oath, before a person qualified to administer oaths, that:

42 (1) the member possesses all the qualifications required by this
43 chapter for membership on the board;

44 (2) the member will honestly and faithfully discharge the duties
45 of office;

46 (3) the member will not, while serving as a member of the board,
47 become interested, directly or indirectly, in any contract with or
48 claim against the school city, except as authorized by law; and

49 (4) in the performance of official duties as a member of the
50 board, including the selection of its officers, agents, and
51 employees, the member will not be influenced by any

1 consideration of politics or religion and that the member will be
 2 controlled in the selection only by considerations of the merits,
 3 fitness, and qualifications of the persons to be selected.

4 (c) The members of the board are entitled to receive compensation
 5 not to exceed the amount allowed under IC 20-5-3-6 and a per diem not
 6 to exceed the rate approved for members of the city-county council
 7 established under IC 36-3-4 for attendance at each regular and
 8 committee meeting as determined by the board.

9 (d) Members of the board are exempt from jury duty during their
 10 term of office.

11 SECTION 3. IC 20-3-11.1-3.1 IS ADDED TO THE INDIANA
 12 CODE AS A NEW SECTION TO READ AS FOLLOWS
 13 [EFFECTIVE UPON PASSAGE]: Sec. 3.1. (a) The board of school
 14 commissioners consists of five (5) members. Two (2) members shall be
 15 elected at large on a nonpartisan basis in primary elections held in the
 16 county as specified in this section. Two (2) of the members shall be
 17 appointed by the Indianapolis/MarionCounty City/County Council.
 18 One member shall be appointed by the Mayor of Indianapolis. When
 19 a person is a candidate for one (1) of the at-large positions, eligible
 20 voters from all the districts may vote for that candidate. When a
 21 candidate files to run for a position on the board, the candidate must
 22 specify that the candidate is running for an at-large position. All
 23 members elected or appointed to the board serve four (4) year terms.
 24 A candidate who runs for an at-large position wins if the candidate
 25 receives the greatest number of votes of all the candidates against
 26 whom the candidate runs. The state board of education shall establish
 27 balloting procedures for the election under IC 3 and other procedures
 28 required to implement this section.

29 (b) Each member of the board of school commissioners serves
 30 under section 2 of this chapter. The vacancies in the board of school
 31 commissioners shall be filled temporarily by the school board as soon
 32 as practicable after the vacancy occurs. The member chosen by the
 33 board to fill a vacancy holds office until the member's successor is
 34 elected and qualified. The successor shall be elected or appointed at the
 35 next regular school board election occurring after the date on which the
 36 vacancy occurs, at which time the vacancy shall be filled for the
 37 remainder of the term.

38 (c) Persons elected or appointed to serve on the board begin their
 39 terms on July 1 of the year of their election.

40 (d) Notwithstanding any law to the contrary, voters shall cast their
 41 votes for school board candidates by voting machine or paper ballot.

42 SECTION 4. IC 20-3-11.1-4 IS ADDED TO THE INDIANA
 43 CODE AS A NEW SECTION TO READ AS FOLLOWS
 44 [EFFECTIVE UPON PASSAGE]: Sec. 4. The board of school
 45 commissioners in a school city shall organize in the manner set forth
 46 in IC 20-5-3-1.

47 SECTION 5. IC 20-3-11.1-5, IS ADDED TO THE INDIANA
 48 CODE AS A NEW SECTION TO READ AS FOLLOWS
 49 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The members of all

1 standing committees of the board provided for by its rules shall be
 2 appointed by the president within three (3) weeks after election to the
 3 office of president.

4 (b) Subject to the limitations in this chapter, the board shall have
 5 power to fix salaries of all officers and employees of the board. The
 6 board, in electing and choosing its general superintendent and all other
 7 agents and employees that the business of the school corporation may
 8 in the board's judgment require to be employed, shall choose persons
 9 who in the judgment of the board possess qualifications peculiarly
 10 fitting the persons respectively for the positions the persons are to
 11 occupy, and the board shall, from time to time and as in its judgment
 12 the best interests of the school corporation may require, contract for
 13 and establish the amount of salary or compensation to be paid to each
 14 such officer, agent, and employee chosen or elected by the board. The
 15 board shall adopt such schedule of salaries as the board considers
 16 proper.

17 (c) The board shall have power:

18 (1) by rules to fix the time and the number of meetings of the
 19 board except that one (1) regular meeting shall be held in each
 20 calendar month; and

21 (2) to make, amend, and repeal bylaws and rules for the board's
 22 own procedure.

23 SECTION 6. IC 20-3-11.1-6 IS ADDED TO THE INDIANA
 24 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 25 [EFFECTIVE UPON PASSAGE]: Sec. 6. Every legislative act of the
 26 board shall be by written resolution.

27 SECTION 7. IC 20-3-11.1-7 IS ADDED TO THE INDIANA
 28 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 29 [EFFECTIVE UPON PASSAGE]: Sec. 7. The board shall have power
 30 to determine the number of its employees and to prescribe their duties
 31 and fix their compensation. The board shall adopt rules for obtaining,
 32 by open competition and without regard to religious or political belief,
 33 lists of candidates from which all officers and employees shall be
 34 selected and their selection shall be made with regard only to their
 35 fitness under the rules so adopted.

36 SECTION 8. IC 20-3-11.1-11, IS ADDED TO THE INDIANA
 37 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 38 [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) No money shall be
 39 drawn from the treasury of the board except for appropriations made by
 40 the board and made upon an aye and nay vote duly recorded in the
 41 board's minutes.

42 (b) No appropriations shall be made for a period extending beyond
 43 December 31 of the current calendar year.

44 (c) Except as provided in IC 20-3.1, at the end of the fiscal year all
 45 unexpended balances of all appropriations revert to the board's general
 46 fund.

47 (d) General fund money that has been obligated, but not paid, at
 48 the end of the fiscal year may be paid without a new appropriation.
 49 Except as provided in IC 20-3.1, no money so obligated shall revert to

1 the board's general fund at the end of the fiscal year in which the
 2 money has been appropriated, unless the board shall, by affirmative act,
 3 cause the money to revert.

4 SECTION 9. IC 20-3-11.1-12 IS ADDED TO THE INDIANA
 5 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE UPON PASSAGE]: Sec. 12. The books, accounts and
 7 vouchers of the board and of all of its officers and employees shall be
 8 subject to examination by the Indiana state board of accounts at such
 9 times as the said state board may select and all of the officers and
 10 employees of the board shall, on request of said state board, produce
 11 and submit to said state board for examination all books, papers,
 12 documents, vouchers, accounts and records of the board in or
 13 belonging to their respective offices and shall in every way assist said
 14 state board in its work in making such examinations.

15 SECTION 10. IC 20-3-11.1-13 IS ADDED TO THE INDIANA
 16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 17 [EFFECTIVE UPON PASSAGE]: Sec. 13. All moneys payable to the
 18 board shall be paid to its treasurer and his receipt for the same shall be
 19 filed with the business manager of the board and, thereupon, the
 20 business manager shall issue his quietus therefor, which alone shall be
 21 sufficient evidence of such payment. No person except the treasurer of
 22 the board shall collect or receive any moneys payable to the board and
 23 any payment made, except to the treasurer, and any receipt given
 24 therefor by any other person shall be void as against the board.

25 SECTION 11. IC 20-3-11.1-14 IS ADDED TO THE INDIANA
 26 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE UPON PASSAGE]: Sec. 14. A contract or obligation is
 28 not binding upon the board unless the board makes an appropriation for
 29 the contract or obligation.

30 SECTION 12. IC 20-3-11.1-15, IS ADDED TO THE INDIANA
 31 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) All contracts involving
 33 more than seventy-five thousand dollars (\$75,000) in amount shall be:

- 34 (1) in writing; and
- 35 (2) executed in the name of the board by:
 - 36 (A) the board's business manager; or
 - 37 (B) other board designated employee; and
- 38 (3) approved by the board.

39 (b) When money for a contract or purchase has been appropriated
 40 by the board, the designated employee may make contracts and
 41 purchases not exceeding seventy-five thousand dollars (\$75,000) in
 42 amount in any one (1) transaction. All contracts and purchases under
 43 this subsection shall be reported to the board at its next regular
 44 meeting.

45 (c) No purchase of supplies or of materials of any kind shall be
 46 made from one (1) person, firm, limited liability company, or
 47 corporation at any one (1) time or in any one (1) transaction to an
 48 amount in the aggregate of more than ten thousand dollars (\$10,000)
 49 except upon bids duly advertised for and accepted. The board shall

1 determine the mode and manner of advertising for bids for supplies and
2 material.

3 SECTION 13. IC 20-3-11.1-18 IS ADDED TO THE INDIANA
4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
5 [EFFECTIVE UPON PASSAGE]: Sec. 18. Every such board of school
6 commissioners shall have, as respects the levy of taxes by it, power
7 annually to levy such amount of taxes as in the judgment of said board,
8 made matter of record in its minutes, should be levied to produce
9 income sufficient to conduct and carry on the work committed to such
10 board, and it is hereby made the duty of said board annually to levy a
11 sum sufficient to meet all payments of principal and interest as they
12 will mature in the year for which such levy is made on the bonds, notes
13 or other obligations of said board, and the fund arising from any levy
14 made by such board shall be known as its "general fund." Said general
15 fund may lawfully be used by said board for any purpose within the
16 scope of the duties of such board as imposed by law.

17 SECTION 14. IC 20-3-11.1-20 IS ADDED TO THE INDIANA
18 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
19 [EFFECTIVE UPON PASSAGE]: Sec. 20. Each such board of school
20 commissioners may from time to time, whenever its general fund shall
21 be exhausted or in the board's judgment be in danger of exhaustion,
22 make temporary loans for the use of its general fund to be paid out of
23 the proceeds of taxes theretofore levied by such school city for its
24 general fund. The amount so borrowed in aid of said general fund shall
25 be paid into said general fund and may be used for any purpose for
26 which the said general fund lawfully may be used. Any such temporary
27 loan shall be evidenced by the promissory note or notes of said school
28 city, shall bear interest at not more than seven per cent (7%) per
29 annum, interest payable at the maturity of the note or periodically, as
30 the note may express, and shall mature at such time or times as the
31 board of school commissioners may decide, but not later than one (1)
32 year from the date of the note. No such loan or loans made in any one
33 (1) calendar year shall be for a sum greater than the amount estimated
34 by said board as the proceeds to be received by it from the levy of taxes
35 theretofore made by said school city in behalf of its said general fund.
36 Successive loans may be made in aid of said general fund in any
37 calendar year, but the aggregate amount thereof, outstanding at any one
38 (1) time, shall not exceed such estimated proceeds of taxes levied in
39 behalf of the said general fund.

40 No such loan shall be made until notice asking for bids therefor
41 shall have been given by newspaper publication, which publication
42 shall be made one (1) time in a newspaper published in said city and
43 said publication shall be at least seven (7) days before the time when
44 bids for such loans will be opened. Bidders shall name the amount of
45 interest they agree to accept not exceeding seven per cent (7%) per
46 annum, and the loan shall be made to the bidder or bidders bidding the
47 lowest rate of interest. The note or notes or warrants shall not be
48 delivered until the full price of the face thereof shall be paid to the
49 treasurer of said school city, and no interest shall accrue thereon before

1 such delivery.

2 Any such school corporation wishing to make a temporary loan in
3 aid of its general fund, finding that it has need to exercise the power in
4 this section above given to make a temporary loan, which has in its
5 treasury money derived from the sale of bonds, which money derived
6 from the sale of bonds can not or will not, in the due course of the
7 business of said school city, be expended in the then near future, may,
8 if it so elects, temporarily borrow, and without payment of interest,
9 from such bond fund, for the use and aid of said general fund in the
10 manner and to the extent hereinafter expressed, viz.: Such school city
11 shall, by its board of school commissioners, take all the steps required
12 by law to effect such temporary loan up to the point of advertising for
13 bids or offers for such loans; it shall then present to the state board of
14 tax commissioners of the state of Indiana, and to the state board of
15 accounts of the state of Indiana, a copy of the corporate action of said
16 school city concerning its desire to make such temporary loan and a
17 petition showing the particular need for such temporary loan, and the
18 amount and the date or dates when said general fund will need such
19 temporary loan, or instalments of such loan, and the date at which such
20 loan, and each instalment thereof, will be needed, and the estimated
21 amounts from taxes to come into said general fund, and the dates when
22 it is expected such proceeds of taxes will be received by such school
23 city in behalf of said general fund, and showing what amount of money
24 said school city has in any fund derived from the proceeds of the sale
25 of bonds, which can not or will not be expended in the then near future,
26 and showing when and to what extent and why money in such bond
27 fund, not soon to be expended, will not be expended in the then near
28 future and requesting that said state board of tax commissioners, and
29 said state board of accounts, respectively, authorize a temporary loan
30 from said bond fund in aid of said general fund.

31 If said state board of tax commissioners shall find and order that
32 there is need for such temporary loan, and that it should be made, and
33 said state board of accounts shall find that the money proposed to be
34 borrowed will not be needed during the period of the temporary loan by
35 the fund from which it is to be borrowed, and said two (2) state boards
36 shall approve the loan, the business manager and treasurer of said
37 school city shall, upon such approval by said two (2) state boards, take
38 all steps necessary to transfer the amount of such loans, as a temporary
39 loan from the fund to be borrowed from, to said general fund of such
40 school city. The loan so effected shall, for all purposes, be a debt of the
41 school city chargeable against its constitutional debt limit.

42 Such two (2) state boards may fix the aggregate amount so to be
43 borrowed on any one (1) petition and shall determine at what time or
44 times and in what instalments and for what periods it shall be
45 borrowed. The treasurer and business manager of such school city,
46 from time to time, as money shall be collected from taxes levied in
47 behalf of said general fund, shall credit the same on such loan until the
48 amount borrowed is fully repaid to the lending fund, and they shall at
49 the end of each calendar month report to the board the several amounts
50 so applied from taxes to the payment of such loan.

1 The school city shall, as often as once a month, report to both of
2 said state boards the amount of money then so borrowed and unpaid,
3 the anticipated like borrowings of the current month, the amount left in
4 the said general fund, and the anticipated drafts upon the lending bond
5 fund for the objects for which that fund was created.

6 Said two (2) state boards, or either of them, may, if it shall seem
7 to said boards, or to either of them, that the fund from which the loan
8 was made requires the repayment of all or of part of such loan(s) before
9 its maturity or said general fund no longer requires all or some part of
10 the proceeds of such loan, require such school city to repay all or any
11 part of such loan, and, if necessary to perform the requirement, such
12 school city shall exercise its power of making a temporary loan
13 procured from others to raise the money so needed to repay the lending
14 bond fund the amount so ordered repaid.

15 SECTION 15. IC 20-3-11.1-21 IS ADDED TO THE INDIANA
16 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
17 [EFFECTIVE UPON PASSAGE]: Sec. 21. The school city shall
18 provide for the payment and retirement of debt obligations of the
19 school city in the manner provided under IC 20-5-4-5, IC 20-5-4-10,
20 and IC 21-2-4.

21 SECTION 16. IC 20-3-11.1-22 IS ADDED TO THE INDIANA
22 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
23 [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) The said board of school
24 commissioners shall not have power to create any debt in excess of the
25 sum of twenty-five thousand dollars (\$25,000) in the aggregate, except
26 as otherwise provided in this chapter, and except further such debts as
27 are on or after March 9, 1931, authorized by the general school laws of
28 this state, including within such latter exception, but not by way of
29 limitation thereof, IC 21-4-20 and IC 20-5-1 through IC 20-5-6.

30 (b) Notwithstanding the provisions of subsection (a), said board
31 shall be liable upon its lawful contracts with persons rendering services
32 and furnishing materials when such contracts have been entered into as
33 in this chapter provided and in accordance with law, and the
34 obligations of said board to such persons rendering services or
35 furnishing materials shall not be considered to be limited or prohibited
36 by any of the provisions of this chapter.

37 SECTION 17. IC 20-3-11.1-24 IS ADDED TO THE INDIANA
38 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
39 [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) The board of school
40 commissioners has all the powers and duties conferred upon such
41 boards by existing statutes and by the general school laws of this state,
42 including IC 20-5-1 through IC 20-5-6, so far as they are consistent
43 with this chapter.

44 (b) The board of school commissioners has the power to:

- 45 (1) employ and pay all employees needed in any branch of the
- 46 work committed to the board of school commissioners;
- 47 (2) disburse, according to law, all money of the school city for all
- 48 lawful school city purposes;
- 49 (3) have and exercise in the school city full and exclusive

1 authority concerning the conduct and management of its duties;
 2 and
 3 (4) to pay transfer tuition and transportation costs for each
 4 student of the school city to attend the school of their choice
 5 within Marion County.

6 SECTION 18. IC 20-3-11.1-26 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE UPON PASSAGE]: Sec. 26. The said board of school
 9 commissioners shall have power, subject to its rules, to authorize any
 10 member of the board or any officer or person in its employ to be absent
 11 from such city in the interest of said school city without loss of
 12 compensation and shall also have power to refund to the person so
 13 absent his necessary expenses while he shall have been so absent. The
 14 amount so to be refunded shall, after being allowed by the board, be
 15 paid from the board's "general fund."

16 Renumber all SECTIONS consecutively.
 17 Page 4, after line 15, begin a new paragraph and insert:
 18 SECTION 20. An emergency is declared for this act.
 (Reference is to HB1135 as printed January 23, 1998.)

Representative MURPHY