

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1242 be amended to read as follows:

- 1 Page 8, between lines 17 and 18, begin a new paragraph and insert:
- 2 "SECTION 15. IC 3-8-2-2.2, AS AMENDED BY P.L.1-2005,
- 3 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2011]: Sec. 2.2. (a) A candidate for a school board office must
- 5 file a petition of nomination in accordance with IC 3-8-6 and as
- 6 required under IC 20-23-12, IC 20-23-14, **IC 20-23-17**, or IC 20-23-4.
- 7 The petition of nomination, once filed, serves as the candidate's
- 8 declaration of candidacy for a school board office.
- 9 (b) A candidate for a school board office is not required to file a
- 10 statement of organization for the candidate's principal committee by
- 11 noon seven (7) days after the final date for filing a petition of
- 12 nomination or declaration of intent to be a write-in candidate unless the
- 13 candidate has received contributions or made expenditures requiring
- 14 the filing of a statement under IC 3-9-1-5.5."
- 15 Page 25, between lines 7 and 8, begin a new paragraph and insert:
- 16 "SECTION 43. IC 5-9-4-8, AS AMENDED BY P.L.1-2005,
- 17 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JULY 1, 2011]: Sec. 8. (a) Except as provided in subsection (b), during
- 19 the officeholder's leave of absence, the officeholder's office must be
- 20 filled by a temporary appointment made under:
- 21 (1) IC 3-13-4;
- 22 (2) IC 3-13-5;
- 23 (3) IC 3-13-6;
- 24 (4) IC 3-13-7;

- 1 (5) IC 3-13-8;
 2 (6) IC 3-13-9;
 3 (7) IC 3-13-10;
 4 (8) IC 3-13-11;
 5 (9) IC 20-23-4;
 6 (10) IC 20-26;
 7 (11) IC 20-23-12;
 8 (12) IC 20-23-14;
 9 (13) IC 20-23-15;
 10 **(14) IC 20-23-17;**
 11 ~~(14)~~ **(15) IC 20-25-3;**
 12 ~~(15)~~ **(16) IC 20-25-4;** or
 13 ~~(16)~~ **(17) IC 20-25-5;**

14 in the same manner as a vacancy created by a resignation is filled.

15 (b) For an officeholder who:

16 (1) is:

17 (A) a justice of the supreme court, a judge of the court of
 18 appeals, or a judge of the tax court; or

19 (B) a judge of a circuit, city, county, probate, or superior court;
 20 and

21 (2) is taking a leave of absence under this chapter;

22 the supreme court shall appoint a judge pro tempore to fill the
 23 officeholder's office in accordance with the court's rules and
 24 procedures.

25 (c) The person selected or appointed under subsection (a) or (b)
 26 serves until the earlier of:

27 (1) the date the officeholder's leave of absence ends as provided
 28 in section 10 of this chapter; or

29 (2) the officeholder's term of office expires.

30 (d) The person selected or appointed to an office under subsection
 31 (a) or (b):

32 (1) assumes all the rights and duties of; and

33 (2) is entitled to the compensation established for;

34 the office for the period of the temporary appointment."

35 Page 25, between lines 33 and 34, begin a new paragraph and insert:

36 "SECTION 46. IC 20-23-8-5, AS ADDED BY P.L.1-2005,
 37 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2011]: Sec. 5. As used in this chapter, "school corporation"
 39 means a local public school corporation established under the laws of
 40 Indiana. The term does not include a school township or a school
 41 corporation covered by IC 20-23-12 or **IC 20-23-17.**

42 SECTION 47. IC 20-23-12-12 IS ADDED TO THE INDIANA
 43 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 44 [EFFECTIVE JULY 1, 2011]: **Sec. 12. This chapter expires January**
 45 **1, 2013.**

46 SECTION 48. IC 20-23-13-4 IS ADDED TO THE INDIANA

1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2011]: **Sec. 4. This chapter expires January**
 3 **1, 2013.**

4 SECTION 49. IC 20-23-14-11 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2011]: **Sec. 11. This chapter expires January**
 7 **1, 2013.**

8 SECTION 50. IC 20-23-15-13 IS ADDED TO THE INDIANA
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2011]: **Sec. 13. This chapter expires January**
 11 **1, 2013.**

12 SECTION 51. IC 20-23-17 IS ADDED TO THE INDIANA CODE
 13 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2011]:

15 **Chapter 17. Election of School Board Members for School**
 16 **Corporation Contained within a City**

17 **Sec. 1. This chapter applies to a school corporation that satisfies**
 18 **all of the following:**

19 (1) **The school corporation is contained entirely within a city,**
 20 **or the boundaries of the school corporation and the city are**
 21 **coterminous.**

22 (2) **As of June 30, 2011, the members of the governing body**
 23 **are appointed.**

24 **Sec. 2. (a) For purposes of this section, "county election board"**
 25 **includes a board of elections and registration established under**
 26 **IC 3-6-5.2 or IC 3-6-5.4.**

27 **(b) The county election board shall place the following question**
 28 **on the ballot in the city at the 2011 municipal election:**

29 **"Should the members of the governing body of the (insert the**
 30 **name of the school corporation) school corporation be elected**
 31 **as provided in IC 20-23-17?".**

32 **(c) The public question required by this section shall be placed**
 33 **on the ballot in accordance with IC 3-10-9 and must be certified in**
 34 **accordance with IC 3-10-9-3.**

35 **(d) Only the voters of the city who reside within the school**
 36 **corporation may vote on the public question.**

37 **(e) The circuit court clerk of the county in which the city is**
 38 **located shall certify the results determined under IC 3-12-4-9 to the**
 39 **following:**

40 (1) **The governing body of the school corporation.**

41 (2) **The city legislative body.**

42 (3) **The department of education.**

43 **Sec. 3. (a) If a majority of the votes cast in the referendum held**
 44 **under section 2 of this chapter are in favor of the public question,**
 45 **sections 4 through 12 of this chapter govern the selection of the**
 46 **members of the governing body of the school corporation.**

47 **(b) If a majority of the votes cast in the referendum held under**

1 section 2 of this chapter are not in favor of the public question, the
 2 members of the governing body of the school corporation shall be
 3 selected as provided before the date of the public question.

4 Sec. 4. IC 20-23-8 does not apply to a school corporation or the
 5 governing body of a school corporation governed by this chapter.

6 Sec. 5. (a) The governing body of the school corporation consists
 7 of the same number of members as the number of members of the
 8 city legislative body.

9 (b) Not later than January 1, 2012, the city legislative body shall
 10 adopt an ordinance to divide the school corporation into districts.
 11 The ordinance may provide that some members of the governing
 12 body are elected at large, but the number elected at large may not
 13 be more than the number of the city legislative body members who
 14 are elected at large in the city. The city legislative body shall adopt
 15 an ordinance to establish new districts for election of the members
 16 of the governing body of the school corporation not later than
 17 December 31 of the year following each year in which a federal
 18 decennial census is conducted.

19 (c) The following apply to the districts from which members of
 20 the governing body are elected:

21 (1) The districts must be drawn on the basis of precinct lines.

22 (2) The districts must be, as nearly as practicable, of equal
 23 population. The population of the largest district may not to
 24 exceed the population of the smallest district by more than
 25 five percent (5%).

26 (3) The district lines may not cross precinct lines.

27 (d) The ordinance shall provide for one of the following
 28 schedules to elect the members of the governing body:

29 (1) All members of the governing body shall be elected at the
 30 2012 general election and each four (4) years thereafter.

31 (2) All members of the governing body shall be elected at the
 32 2014 general election and each four (4) years thereafter.

33 (3) All members of the governing body shall be elected at the
 34 2012 general election. Notwithstanding section 9 of this
 35 chapter, some of the members elected under this subdivision
 36 shall each serve a term of two (2) years and the remainder of
 37 the members elected under this subdivision shall each serve a
 38 term of four (4) years. If the ordinance provides for election
 39 of the members under this subdivision, the ordinance must
 40 provide for a rule to determine which members shall serve a
 41 term of two (2) years and which members serve a term of four
 42 (4) years after the 2012 election. After the 2012 election, each
 43 of the members of the governing body shall serve a term of
 44 four (4) years as provided in section 9 of this chapter.

45 Sec. 6. (a) The members of the governing body shall be elected
 46 as follows:

47 (1) On a nonpartisan basis.

1 **(2) In a general election held in the county.**

2 **(3) At large members shall be elected by the registered voters**
 3 **of the entire school corporation. A member representing a**
 4 **district shall be elected by the registered voters of the district.**

5 **(b) Upon assuming office and in conducting the business of the**
 6 **governing body, a member shall represent the interests of the**
 7 **entire school corporation.**

8 **Sec. 7. The following apply to an election of members of the**
 9 **governing body of the school corporation:**

10 **(1) Each candidate must file a petition of nomination with the**
 11 **circuit court clerk not earlier than one hundred four (104)**
 12 **days and not later than seventy-four (74) days before the**
 13 **election at which members are to be elected. The petition of**
 14 **nomination must include the following information:**

15 **(A) The name of the candidate.**

16 **(B) Whether the candidate seeks election at large or seeks**
 17 **to represent a district. If the candidate seeks to represent**
 18 **a district, the candidate must also indicate the district in**
 19 **which the candidate resides.**

20 **(C) The signatures of the following:**

21 **(i) If the candidate is seeking election at large, the**
 22 **signatures of at least one hundred (100) registered voters**
 23 **residing within the school corporation.**

24 **(ii) If the candidate is seeking election to represent a**
 25 **district, the signature of fifty (50) registered voters**
 26 **residing within the district the candidate seeks to**
 27 **represent.**

28 **(D) A certification that the candidate meets the**
 29 **qualifications for candidacy imposed by this chapter.**

30 **(2) Only eligible voters residing in the school corporation may**
 31 **vote for a candidate seeking election at large. Only eligible**
 32 **voters residing in the district may vote for a candidate seeking**
 33 **to represent the district.**

34 **(3) One (1) candidate shall be elected for each district. The**
 35 **candidate elected for a district must reside within the district.**

36 **(4) The candidates who are seeking election at large must**
 37 **reside within the school corporation.**

38 **Sec. 8. (a) Except as provided in this chapter, IC 3 applies to the**
 39 **election of the members of the governing body.**

40 **(b) The state board, with assistance from the county election**
 41 **board, shall, subject to IC 3 and this chapter, establish balloting**
 42 **procedures for the election and all other procedures required to**
 43 **implement this chapter.**

44 **Sec. 9. Except as provided in section 5 of this chapter, the term**
 45 **of each person elected to serve on the governing body of the school**
 46 **corporation is four (4) years, beginning January 1 following the**
 47 **election.**

1 **Sec. 10. A vacancy in the office of a member of the governing**
2 **body of the school corporation shall be filled temporarily by the**
3 **city legislative body as soon as practicable after the vacancy**
4 **occurs. An individual filling a vacancy under this section serves**
5 **until the expiration of the term of the member whose position the**
6 **individual fills.**

7 **Sec. 11. (a) Before August 1 of each year, the school corporation**
8 **shall file with the state superintendent the following information:**

9 **(1) A list containing the names and addresses of each member**
10 **of the governing body of the school corporation and the date**
11 **of the expiration of each member's term of office.**

12 **(2) A list containing the names and addresses of each of the**
13 **school corporation's officers and the date of the expiration of**
14 **each officer's term of office.**

15 **(b) The school corporation shall notify the state superintendent**
16 **of any change in the information previously filed under subsection**
17 **(a) not later than thirty (30) days after the change occurs.**

18 **Sec. 12. (a) This section applies if the voters of the school**
19 **corporation approve electing the members of the governing body**
20 **of the school corporation in a referendum under section 2 of this**
21 **chapter.**

22 **(b) Notwithstanding any other law, the terms of the appointed**
23 **members of the governing body of the school corporation expire**
24 **January 1 immediately following the first election of the members**
25 **of the governing body under this chapter.**

26 **(c) On January 1, 2013, all powers, duties, and functions**
27 **adhering to the appointed governing body of the school**
28 **corporation in existence on December 31, 2012 are transferred to**
29 **the governing body established by this chapter.**

30 **(d) On January 1, 2013, the property and records of the**
31 **appointed governing body of the school corporation in existence on**
32 **December 31, 2012 are transferred to the governing body**
33 **established by this chapter.**

34 **Sec. 13. (a) As used in this section "governing body" refers to a**
35 **school corporation whose governing body is subject to a governing**
36 **statute.**

37 **(b) As used in this section, "governing statute" refers to the**
38 **following:**

39 **(1) IC 20-23-12 (before its expiration).**

40 **(2) IC 20-23-13 (before its expiration).**

41 **(3) IC 20-23-14 (before its expiration).**

42 **(4) IC 20-23-15 (before its expiration).**

43 **(c) On January 1, 2013, the governing body is subject to this**
44 **chapter and not its governing statute. A referendum is not required**
45 **to be held under section 2 of this chapter in the school corporation.**

46 **(d) Not later than January 1, 2012, the legislative body of the**
47 **city in which the school corporation is located shall adopt an**

- 1 **ordinance to:**
2 **(1) establish the districts for election of members of the**
3 **governing body; and**
4 **(2) provide for the election of members of the governing body;**
5 **as provided in section 5 of this chapter.**
6 **(e) The first election of the members of the governing body**
7 **under this chapter shall be the November 2012 general election.**
8 **(f) The members of the governing body elected under subsection**
9 **(e) take office January 1, 2013 and serve a term described in the**
10 **ordinance adopted under subsection (d).**
11 **(g) The successors of the members elected at the first election of**
12 **the members of the governing body under subsection (e) shall be**
13 **elected as provided in the ordinance adopted under subsection (d).**
14 **(h) This section expires January 1, 2019."**
15 Renumber all SECTIONS consecutively.
(Reference is to HB 1242 as printed January 28, 2011.)

Representative Wesco