

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 256 be amended to read as follows:

- 1 Page 3, between lines 27 and 28, begin a new paragraph and insert:
2 "SECTION 10. IC 2-1-9-12 IS ADDED TO THE INDIANA CODE
3 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
4 **UPON PASSAGE]: (a) As used in this section, "redistricting act"**
5 **refers to any act that enacted IC 2-1-12, IC 2-13-13, or both of**
6 **those statutes.**
7 **(b) The provisions of a redistricting act are severable as**
8 **provided in IC 1-1-1-8(b).**
9 **(c) If:**
10 **(1) any portion of a redistricting act, including any district; or**
11 **(2) application of any portion of a redistricting act to any**
12 **person or circumstance;**
13 **is found to be invalid by a court, the invalidity does not affect the**
14 **remaining portions or applications of the redistricting act,**
15 **including the remaining districts, that can be given effect without**
16 **the invalid portions, applications, or districts.**
17 **(d) Redistricting is a state legislative function under both the**
18 **Constitution of the State of Indiana and the Constitution of the**
19 **United States. Therefore, if a redistricting act or any portion of a**
20 **redistricting act is found invalid by a court, the general assembly**
21 **expresses its preference that any court that finds the invalidity give**
22 **the general assembly the opportunity to cure the invalidity before**
23 **the court mandates its own remedial plan. The opportunity to cure**
24 **is without prejudice to the right of either house of the general**
25 **assembly to seek further appeal of any such court action.**
26 **(e) The general assembly reserves the right to replace any**
27 **redistricting plan mandated by a court immediately, if in session**
28 **or, if not in session, in a special session or the next regular session,**
29 **whichever comes first.**
30 **(f) In any court proceeding challenging a redistricting plan of**

- 1 **the general assembly each of the Indiana house of representatives**
2 **or the Indiana senate may:**
- 3 **(1) take independent legal positions in the proceeding; and**
4 **(2) hire independent legal counsel to represent their respective**
5 **legal positions.**
- 6 **The speaker of the house of representatives shall determine the**
7 **legal position taken by the house of representatives. The president**
8 **pro tempore of the senate shall determine the legal position taken**
9 **by the senate."**
- 10 Page 3, line 38, after "03," delete "GRIFFITH".
- 11 Page 3, line 39, delete "PRECINCT 04, GRIFFITH PRECINCT
12 05,".
- 13 Page 4, line 1, delete "GRIFFITH PRECINCT 17,".
- 14 Page 4, line 12, after "HAMMOND 05-17," insert "**HAMMOND**
15 **06-02, HAMMOND 06-03, HAMMOND 06-04, HAMMOND**
16 **06-05,".**
- 17 Page 4, line 13, after "HAMMOND 06-06," insert "**HAMMOND**
18 **06-07,".**
- 19 Page 4, line 15, after "HAMMOND 06-14," insert "**HAMMOND**
20 **06-15,".**
- 21 Page 4, line 28, delete "MERRILLVILLE PRECINCT".
- 22 Page 4, line 29, delete "03,".
- 23 Page 5, line 39, after "GRIFFITH PRECINCT 02," insert
24 "**GRIFFITH PRECINCT 04, GRIFFITH PRECINCT 05,".**
- 25 Page 5, line 41, after "GRIFFITH PRECINCT 13," insert
26 "**GRIFFITH PRECINCT 17,".**
- 27 Page 6, delete lines 15 through 16.
- 28 Page 6, line 18, after "MERRILLVILLE PRECINCT 02," insert
29 "**MERRILLVILLE PRECINCT 03,".**
- 30 Page 8, line 2, delete "Michigan" and insert "**New Durham**".
- 31 Page 8, delete lines 6 through 11, begin a new line block indented
32 and insert:
- 33 **"COOLSPRING 01, COOLSPRING 02, COOLSPRING 04,**
34 **HYDROLOGY - LAKE MICHIGAN NV, LONG BEACH,**
35 **MICHIANA SHORES, MICHIGAN CITY 01-01,**
36 **MICHIGAN CITY 01-02, MICHIGAN CITY 01-03,**
37 **MICHIGAN CITY 02-01, MICHIGAN CITY 02-02,**
38 **MICHIGAN CITY 02-03, MICHIGAN CITY 02-04,**
39 **MICHIGAN CITY 03-01, MICHIGAN CITY 03-02 (VW**
40 **M.C.03-02 COOLSPRING), MICHIGAN CITY 03-02**
41 **COOLSPRING VW MICHIGAN CITY 03-02, MICHIGAN**
42 **CITY 04-02, MICHIGAN CITY 04-03, MICHIGAN CITY**
43 **04-04, MICHIGAN CITY 05-01, MICHIGAN CITY 05-02,**
44 **MICHIGAN CITY 05-03, MICHIGAN CITY 05-04,**
45 **MICHIGAN CITY 06-01".**
- 46 Page 9, line 40, delete "New Durham,".

- 1 Page 10, delete line 5, begin a new line block indented and insert:
2 "COOLSPRING 03, COOLSPRING 05, COOLSPRING -
3 TRAILCREEK, MICHIGAN 01, MICHIGAN 02,
4 MICHIGAN CITY 04-01, MICHIGAN CITY 06-02,
5 MICHIGAN CITY 06-03A MICHIGAN (VW M.C.06-03B
6 COOLSPRING), MICHIGAN CITY 06-03B COOLSPRING
7 (VW 06-03A MICHIGAN)".
8 Page 13, line 38, delete ", JEFFERSON"
9 Page 13, delete line 39, begin a new line blocked left and insert:
10 **"Whitley County PRECINCTS:**
11 **JEFFERSON EAST, UNION EAST".**
12 Page 17, between lines 17 and 18, begin a new line blocked left and
13 insert:
14 **"Fayette County TOWNSHIPS:**
15 **Waterloo".**
16 Page 17, line 19, after "Bath," insert "**Blooming Grove,**".
17 Page 17, line 19, after "Highland," insert "**Metamora,**".
18 Page 17, delete lines 20 through 21.
19 Page 22, line 17, delete "Fayette County,".
20 Page 22, between lines 17 and 18, begin a new line blocked left and
21 insert:
22 **"Decatur County TOWNSHIPS:**
23 **Fugit**
24 **Fayette County TOWNSHIPS:**
25 **Columbia, Connersville, Fairview, Harrison, Jackson,**
26 **Jennings, Orange, Posey".**
27 Page 22, line 19, delete "Blooming Grove,".
28 Page 22, line 19, delete "Metamora,".
29 Page 22, delete line 33, begin a new line block indented and insert:
30 **"Jennings County, Ohio County".**
31 Page 22, line 38, after "Manchester," insert "**Miller,**".
32 Page 22, delete lines 39 through 40, begin a new line blocked left
33 and insert:
34 **"Decatur County TOWNSHIPS:**
35 **Adams, Clay, Clinton, Jackson, Marion, Saltcreek, Sandcreek,**
36 **Washington".**
37 Page 23, delete lines 2 through 4.
38 Page 23, line 26, delete "Ohio County,".
39 Page 23, between lines 30 and 31, begin a new line blocked left and
40 insert:
41 **"Jackson County TOWNSHIPS:**
42 **Grassy Fork, Vernon, Washington".**
43 Page 25, line 10, after "WARD 03 PRECINCT 13," insert "**WARD**
44 **03 PRECINCT 14,**".
45 Page 25, line 12, delete "WARD 04 PRECINCT 17,".
46 Page 26, line 5, after "PRECINCT 12," delete "WARD 03".

- 1 Page 26, line 6, delete "PRECINCT 14,".
- 2 Page 26, line 12, after "PRECINCT 16," insert "**WARD 04**
- 3 **PRECINCT 17,**".
- 4 Renumber all SECTIONS consecutively.
(Reference is to SB 256 as printed April 18, 2011.)

Senator LANDSKE