

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 575 be amended to read as follows:

1 Page 8, line 31, delete "dispute, except as provided in subsection
2 (b)." and insert "dispute."

3 Page 8, delete lines 36 through 42, begin a new paragraph and
4 insert:

5 **"(b) If an agreement has not been reached on the items to be**
6 **bargained collectively at the end of the then current agreement,**
7 **either party may petition the circuit court in the county in which**
8 **the majority of the students who attend school in the school**
9 **corporation reside, requesting the appointment of a private judge**
10 **under the Indiana Rules for Alternative Dispute Resolution to**
11 **render an advisory opinion to the parties. The party filing the**
12 **petition shall serve a copy of the petition on the opposing party.**
13 **Not later than ten (10) business days after receiving a petition, the**
14 **circuit court judge shall submit a panel of three (3) former judges**
15 **to the parties. If the circuit court judge does not submit a panel to**
16 **the parties, the circuit court judge shall grant a motion by either**
17 **party to remove the petition to another judge in the county.**

18 **(c) Not later than five (5) business days after the circuit court**
19 **judge submits the panel, the moving party shall strike one (1) judge**
20 **from the panel. The opposing party then has five (5) business days**
21 **to strike one (1) judge from the panel. If the remaining judge**
22 **accepts the case, the circuit court judge shall issue an order**
23 **conferring jurisdiction on the remaining judge. If the remaining**
24 **judge does not accept the case, the circuit court judge shall name**
25 **another panel of three (3) judges, and the parties shall follow the**
26 **process set forth in this subdivision.**

27 **(d) Not later than thirty (30) days after the remaining judge**
28 **takes jurisdiction over the case, the judge shall preside over a**
29 **hearing on the matter, unless the parties agree otherwise. The**
30 **hearing shall:**

1 **(1) be held on school property;**
2 **(2) be closed to the public; and**
3 **(3) last not more than one (1) business day;**
4 **unless the parties agree otherwise. The parties shall split the costs**
5 **of the hearing, unless the parties agree otherwise.**
6 **(e) At a hearing under subsection (d), the parties shall present**
7 **evidence to the judge, who shall decide the matters in dispute and**
8 **issue an order of the judge's decision not later than thirty (30) days**
9 **after the hearing. The judge's order is advisory and part of the**
10 **record on file with the clerk of the court that appointed the panel**
11 **from whom the judge was selected.**
12 **(f) At any time while the judge has jurisdiction, the parties may**
13 **withdraw all or part of the matter from the judge if the parties**
14 **reach an agreement concerning all or part of the disputed items."**
15 Page 9, line 1, delete "(c)" and insert "(g)".
 (Reference is to SB 575 as printed January 28, 2011.)

Senator HEAD