

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1001 be amended to read as follows:

- 1           Page 84, line 11, delete "PSAT" and insert "**College Board**".  
2           Page 84, line 14, delete "PSAT" and insert "**College Board**".  
3           Page 215, between lines 17 and 18, begin a new paragraph and  
4 insert:  
5           "SECTION 170. IC 20-29-4-1, AS AMENDED BY SEA 575-2011,  
6 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2011]: Sec. 1. School employees may:  
8           (1) form, join, or assist school employee organizations;  
9           (2) participate in collective bargaining with school employers  
10 through representatives of their own choosing; and  
11           (3) engage in other activities, individually or in concert;  
12 to establish, maintain, or improve salaries, wages, ~~hours~~, salary and  
13 wage related fringe benefits, and other matters set forth in IC 20-29-6-4  
14 and IC 20-29-6-5.  
15           SECTION 171. IC 20-29-6-12, AS AMENDED BY SEA 575-2011,  
16 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2011]: Sec. 12. Formal collective bargaining between a school  
18 corporation and the exclusive representative shall **not** begin before:  
19           (1) August 1 in the first year of the state budget biennium; **or**  
20           (2) **August 1 in the second year of the state budget biennium**  
21 **if the parties agreed to a one (1) year contract during the first**  
22 **year of the state budget biennium or the contract provides for**  
23 **renegotiating certain financial items the second year of a two**  
24 **(2) year contract.**  
25 Informal negotiations may be held before August 1.  
26           SECTION 172. IC 20-29-6-12.5, AS ADDED BY SEA 575-2011,  
27 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2011]: Sec. 12.5. **(a) Before August 1 of the first year of the**  
29 **state budget biennium, the department shall provide the parties**  
30 **with an estimate of the general fund revenue available for**

1 **bargaining in the school corporation from the school funding**  
2 **formula.**

3 (b) Within thirty (30) days after the date of the first state ADM  
4 count date of the school year in the first year of the state budget  
5 biennium, the department shall provide the parties with a certification  
6 of estimated general fund revenue available for bargaining from the  
7 school funding formula. A school employer that has passed a general  
8 fund operating referendum under IC 20-46-1 must have that amount  
9 certified by the department of local government finance. The school  
10 corporation must obtain the certification before the commencement of  
11 bargaining. These certifications must be the basis for determinations  
12 throughout impasse proceedings under this chapter.

13 SECTION 173. IC 20-29-6-13, AS AMENDED BY SEA 575-2011,  
14 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2011]: Sec. 13. (a) At any time after at least sixty (60) days  
16 following the beginning of formal bargaining collectively between the  
17 parties, an impasse is declared, and the board shall appoint a mediator  
18 from the board's staff **or an ad hoc panel.**

19 (b) The mediator shall begin mediation with fifteen (15) days after  
20 the board receives notice of impasse.

21 (c) The mediation must consist of not more than three (3) mediation  
22 sessions and must result in one (1) of the following:

23 (1) An agreement between the parties on the items permitted to be  
24 bargained under section 4 of this chapter.

25 (2) Each party's last best offer, including fiscal rationale, related  
26 to items permitted to be bargained under section 4 of this chapter.

27 (d) Costs for the mediator shall be borne equally by the parties.

28 (e) Mediation shall be completed within thirty (30) days.

29 SECTION 174. IC 20-29-6-15.1 IS ADDED TO THE INDIANA  
30 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
31 [EFFECTIVE JULY 1, 2011]: **Sec. 15.1. (a) If an agreement has not**  
32 **been reached on the items permitted to be bargained collectively**  
33 **under section 4 of this chapter, within fifteen (15) days after**  
34 **mediation under section 13 of this chapter has ended, the board**  
35 **shall initiate factfinding.**

36 (b) **Factfinding must culminate in the factfinder imposing**  
37 **contract terms on the parties. The factfinder must select one (1)**  
38 **party's last best offer as the contract terms. The factfinder's order**  
39 **must be restricted to only those items permitted to be bargained**  
40 **and included in the collective bargaining agreement under section**  
41 **4 of this chapter and must not put the employer in a position of**  
42 **deficit financing, as defined in IC 20-29-2-6. The factfinder's order**  
43 **may not impose terms beyond those proposed by the parties in**  
44 **their last, best offers.**

45 (c) **Costs for the factfinder shall be borne equally by the parties.**

46 (d) **Factfinding may not last longer than fifteen (15) days.**

1 SECTION 175. IC 20-29-6-16, AS AMENDED BY SEA 575-2011,  
 2 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2011]: Sec. 16. (a) If an agreement has not been reached on  
 4 the items to be bargained collectively by November 1, as provided in  
 5 IC 6-1.1-17-5, the parties shall continue the ~~status quo~~, **terms of the**  
 6 **current contract that is in effect**, and the school employer may issue  
 7 tentative individual contracts and prepare its budget on that basis.  
 8 During this ~~status quo~~ period, in order to allow the successful  
 9 resolution of the dispute, the school employer may not unilaterally  
 10 change the terms or conditions of employment that are issues in  
 11 dispute.

12 ~~(b) During the bargaining process,~~ **Upon the expiration of the**  
 13 **current contract that is in effect**, the school employer shall continue  
 14 under the terms of the current contract that is in effect, with no increase  
 15 or increment in salary, wages, or benefits for any bargaining unit  
 16 employee until a new contract is executed, unless continuation ~~of the~~  
 17 ~~status quo~~ would put the school employer in a position of deficit  
 18 financing due to a reduction in the employer's actual general fund  
 19 revenue or an increase in an employer's expenditures when the  
 20 expenditures exceed the current year actual general fund revenue.

21 (c) The only parts of the contract that must continue ~~in status quo~~  
 22 under this section are the items contained in the contract and listed in  
 23 section 4 of this chapter.

24 (d) This section may not be construed as relieving the school  
 25 employer or the school employee organization from the duty to bargain  
 26 collectively until a mutual agreement has been reached and a contract  
 27 entered as called for in this chapter.

28 SECTION 176. IC 20-29-8-7, AS AMENDED BY SEA 575-2011,  
 29 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2011]: Sec. 7. (a) When a factfinder is requested or required  
 31 under IC 20-29-6, the board shall appoint a factfinder from the staff or  
 32 panel established under section 6 of this chapter.

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

35 (c) The factfinder:

- 36 (1) may restrict the factfinder's findings to those issues that the
- 37 factfinder determines significant;
- 38 (2) must restrict the findings to the items listed in IC 20-29-6-4;
- 39 and
- 40 (3) may not impose terms beyond those proposed by the parties in
- 41 their last, best offers.

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

- 43 (1) the parties;
- 44 (2) the board;
- 45 (3) the board's staff; or
- 46 (4) any other state agency.

1 (e) The factfinder shall conduct the factfinding hearing in public in  
 2 a room or facility owned by the county or local unit of government  
 3 located in the county in which the school employer is located, or if the  
 4 school employer is located in more than one (1) county, in the county  
 5 in which the greatest number of students who attend the school  
 6 employer's schools reside. The public hearing may begin not earlier  
 7 than October 1 in the first year of the state budget biennium and must  
 8 be concluded by December 31 of the same year.

9 (f) The factfinding process may not exceed fifteen (15) days from  
 10 beginning to end, and not more than two (2) of those days may be used  
 11 for public testimony, which may be taken at the discretion of the  
 12 factfinder. During the public hearing, each party shall present fully its  
 13 last, best offer, including the fiscal rationale for the offer. Only general  
 14 operating funds and those funds certified by the department of  
 15 education and the department of local government finance may be  
 16 considered as a source of the **finding funding** for items, unless the  
 17 school funding formula allows other funds to be used for certain items.

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

20 (h) The factfinder shall:

- 21 (1) make the investigation, hearing, and findings as expeditiously
- 22 as the circumstances permit; and
- 23 (2) deliver the findings to the parties and to the board.

24 (i) The board, after receiving the findings and recommendations,  
 25 may make additional findings and recommendations to the parties  
 26 based on information in:

- 27 (1) the report; or
- 28 (2) the board's own possession.

29 The board may not make any recommendations to the parties related to  
 30 any items not specifically identified in IC 20-29-6-4.

31 (j) At any time within five (5) days after the findings and  
 32 recommendations are delivered to the board, the board may make the  
 33 findings and recommendations of the factfinder and the board's  
 34 additional findings and recommendations, if any, available to the  
 35 public through news media and other means the board considers  
 36 effective.

37 (k) The board shall make the findings and recommendations  
 38 described in subsection (j) available to the public not later than ten (10)  
 39 days after the findings and recommendations are delivered to the board.

40 SECTION 177. IC 20-29-8-10.1 IS ADDED TO THE INDIANA  
 41 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
 42 [EFFECTIVE JULY 1, 2011]: **Sec. 10.1. A person who has served as**  
 43 **a mediator in a dispute between a school employer and an exclusive**  
 44 **representative may not serve as a factfinder in a dispute arising in**  
 45 **the same school corporation within a period of five (5) years except**  
 46 **by the mutual consent of the parties.**

1 SECTION 178. IC 20-29-8-13.1 IS ADDED IS ADDED TO THE  
 2 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2011]: **Sec. 13.1. (a) The investigation,**  
 4 **hearing, and findings of the factfinder must be:**

5 (1) **made as expeditiously as the circumstances allow; and**

6 (2) **delivered to the parties and to the board.**

7 (b) **The board, after receiving the findings and**  
 8 **recommendations under subsection (a), may make additional**  
 9 **findings and recommendations to the parties based upon**  
 10 **information in the report or in the board's possession. The board**  
 11 **may not make any recommendations to the parties related to any**  
 12 **items not specifically identified in IC 20-29-6-4 and may not**  
 13 **address items beyond those proposed by the parties in their last,**  
 14 **best offers.**

15 (c) **The board:**

16 (1) **may, at any time within five (5) days; and**

17 (2) **shall, within ten (10) days;**

18 **after receiving the findings and recommendations delivered under**  
 19 **subsection (a), make the findings and recommendations of the**  
 20 **factfinder and the board's additional findings and**  
 21 **recommendations, if any, available to the public through the news**  
 22 **media and any other means."**

23 Page 218, delete lines 13 through 21, begin a new paragraph and  
 24 insert:

25 "SECTION 178. IC 20-40-8-11, AS AMENDED BY SEA  
 26 575-2011, SECTION 33, IS AMENDED TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 2011]: Sec. 11. Money in the fund may be used  
 28 to pay for the purchase, lease, repair, or maintenance of equipment to  
 29 be used by the school corporation. However, money in the fund may  
 30 not be used to pay for the purchase, lease, repair, or maintenance of the  
 31 following:

32 (1) **Vehicles to be used for any purpose. ~~other than maintenance~~**  
 33 **vehicles.**

34 (2) Except as provided in section 12 of this chapter, equipment to  
 35 be used primarily for interscholastic or extracurricular activities.

36 SECTION 179. IC 20-40-8-16, AS AMENDED BY SEA-575-2011,  
 37 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2011]: Sec. 16. (a) For purposes of this section, maintenance  
 39 does not include janitorial or comparable routine services normally  
 40 provided in the daily operation of the facilities or equipment.

41 (b) Subject to this section, money in the fund may be used to pay for  
 42 services of school corporation employees who are:

43 (1) bricklayers;

44 (2) stone masons;

45 (3) cement masons;

46 (4) tile setters;

- 1 (5) glaziers;  
 2 (6) insulation workers;  
 3 (7) asbestos removers;  
 4 (8) painters;  
 5 (9) paperhangers;  
 6 (10) drywall applicators and tapers;  
 7 (11) plasterers;  
 8 (12) pipe fitters;  
 9 (13) roofers;  
 10 (14) structural and steel workers;  
 11 (15) metal building assemblers;  
 12 (16) heating and air conditioning installers;  
 13 (17) welders;  
 14 (18) carpenters;  
 15 (19) electricians; or  
 16 (20) plumbers;
- 17 as these occupations are defined in the United States Department of  
 18 Labor, Employment and Training Administration, Dictionary of  
 19 Occupational Titles, Fourth Edition, Revised 1991.
- 20 (c) Payment may be made under this section for employee services  
 21 described in subsection (b) only if:
- 22 (1) the employees perform:  
 23 (A) construction of;  
 24 (B) renovation of;  
 25 (C) remodeling of;  
 26 (D) repair of; or  
 27 (E) maintenance on;  
 28 the facilities and equipment specified in sections 10 and 11 of this  
 29 chapter; ~~and~~
- 30 **(2) the total of all annual salaries and benefits paid by the**  
 31 **school corporation to employees described in this section is at**  
 32 **least six hundred thousand dollars (\$600,000); and**  
 33 ~~(2)~~ **(3) the payment of the employees described in this section is**  
 34 **included as part of the school corporation's proposed plan.**
- 35 **(d) The number of employees covered by this section is limited**  
 36 **to the number of employee positions described in this section that**  
 37 **existed in the school corporation on January 1, 1993."**
- 38 Page 251, between lines 9 and 10, begin a new paragraph and insert:

1 "SECTION 251. THE FOLLOWING ARE REPEALED  
2 [EFFECTIVE JULY 1, 2011]: IC 20-29-8-12; IC 20-29-8-22.  
3 Renumber all SECTIONS consecutively.  
(Reference is to EHB 1001 as printed April 19, 2011.)

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Senator BOOTS