SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1004 be amended to read as follows:

Page 4, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 7. IC 20-23-17.2-3 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 3. (a) The governing body of the school corporation consists of nine (9) members who shall be elected as follows:~~

~~(1) One (1) member shall be elected from each of the school districts described in section 4 of this chapter. A member elected under this subdivision must reside within the boundaries of the district the member represents.~~

~~(2) Three (3) members, who must reside within the boundaries of the school corporation, shall be elected as at-large members.~~

~~(3) All members shall be elected on a nonpartisan basis.~~

~~(4) All members shall be elected at the general election held in the county in 2012 and each four (4) years thereafter.~~

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

SECTION 8. IC 20-23-17.2-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 3.5. (a) The governing body of the school corporation consists of five (5) members chosen as follows:**

(1) Three (3) members shall be elected by the voters of the school corporation.

(2) One (1) member shall be appointed by the city executive.

(3) One (1) member shall be appointed by the city legislative body.

(b) The members elected under subsection (a)(1) shall be elected as follows:

(1) On a nonpartisan basis.

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

(3) By the registered voters of the entire school corporation.

(c) A person appointed or elected under subsection (a) shall reside within the boundaries of the school corporation.

(d) Upon assuming office and in conducting the business of the governing body, a member shall represent the interests of the entire school corporation.

SECTION 9. IC 20-23-17.2-4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4. The boundaries of the districts from which members of the governing body of the school corporation are elected under section 3(a)(1) of this chapter are the same as the boundaries of the common council districts of the city that are drawn under IC 36-4-6.~~

SECTION 10. IC 20-23-17.2-5, AS ADDED BY P.L.179-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. ~~(a) The following apply to an election of members of the governing body of the school corporation under section 3(a)(1) of this chapter:~~

~~(1) Each candidate must file a petition of nomination with the circuit court clerk not later than seventy-four (74) days before the general election at which members are to be elected. The petition of nomination must include the following information:~~

~~(A) The name of the candidate.~~

~~(B) The candidate's residence address and the district in which the candidate resides.~~

~~(C) The signatures of at least twenty (20) registered voters residing within the school corporation district the candidate seeks to represent.~~

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

~~(2) Only eligible voters residing in the school corporation district may vote for a candidate to represent that district.~~

~~(3) One (1) candidate shall be elected for each district. The candidate elected for a district must reside within the boundaries of the district. The candidate elected as the member for a particular district is the candidate who, among all the candidates who reside within that district, receives the greatest number of votes from voters residing in that district.~~

~~(b)~~ The following apply to an election of the members of the governing body of the school corporation under section ~~3(a)(2)~~ **3.5(a)(1)** of this chapter:

(1) Each candidate must file a petition of nomination with the circuit court clerk not later than seventy-four (74) days before the general election at which ~~members are~~ **a member is** to be elected. The petition of nomination must include the following information:

(A) The name of the candidate.

(B) The candidate's residence address.

(C) The signatures of at least one hundred (100) registered voters residing within the school corporation.

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

(2) Only eligible voters residing in the school corporation may vote for a candidate.

(3) ~~Three (3)~~ Candidates shall be elected at large. ~~The three (3) candidates who receive the greatest number of votes among all candidates running for an at-large seat are elected as members of the governing body.~~ **Candidates receiving the greatest number of votes for the offices to be elected are elected.**

SECTION 11. IC 20-23-17.2-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. Voters who reside within the boundaries of the school corporation may vote for the candidates elected under section 3 of this chapter. Each voter may vote only for:~~

~~(1) one (1) candidate to represent the district in which the voter resides; and~~

~~(2) three (3) at-large candidates.~~

SECTION 12. IC 20-23-17.2-8, AS ADDED BY P.L.179-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. The term of each person **appointed or** elected to serve on the governing body of the school corporation is four (4) years, beginning January 1 following the **appointment or** election.

SECTION 13. IC 20-23-17.2-9, AS ADDED BY P.L.179-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. **(a)** The members of the governing body of the school corporation **who are to be elected** shall be elected at the general election to be held in 2012. ~~and every four (4) years thereafter.~~

(b) The candidate having the greatest number of votes and the candidate having the second greatest number of votes at the general election to be held in 2012 shall be elected as members of the governing body of the school corporation for terms that expire on January 1, 2017. The successors of the members shall:

(1) be elected at the general election to be held in 2016 and every four (4) years thereafter; and

(2) take office as provided in section 8 of this chapter.

(c) The candidate having the third greatest number of votes at the general election to be held in 2012 shall be elected as a member of the governing body of the school corporation for a term that expires on January 1, 2015. The successor of the member shall:

(1) be elected at the general election to be held in 2014 and every four (4) years thereafter; and

(2) take office as provided in section 8 of this chapter.

(d) This subsection applies to a member appointed under section 3.5(a)(2) of this chapter. Before December 31, 2012, the city executive shall appoint the member who shall serve a term that

expires on January 1, 2015. The successor of the member shall thereafter:

(1) be appointed as provided in section 3.5(a)(2) of this chapter; and

(2) take office as provided in section 8 of this chapter.

(e) This subsection applies to a member appointed under section 3.5(a)(3) of this chapter. Before December 31, 2012, the city legislative body shall appoint the member who shall serve a term that expires on January 1, 2017. The successor of the member shall thereafter:

(1) be appointed as provided in section 3.5(a)(3) of this chapter; and

(2) take office as provided in section 8 of this chapter.

SECTION 14. IC 20-23-17.2-10, AS ADDED BY P.L.179-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. **(a)** A vacancy in the office of ~~a~~ **an elected** member of the governing body of the school corporation shall be filled temporarily by the governing body as soon as practicable after the vacancy occurs.

(b) A vacancy in the office of an appointed member of the governing body of the school corporation shall be filled as soon as practicable after the vacancy occurs by the appointing authority that appointed the member whose office is vacant.

(c) An individual filling a vacancy under this section serves until the expiration of the term of the member whose position the individual fills.

SECTION 15. IC 20-23-17.2-12, AS ADDED BY P.L.179-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) Notwithstanding any other law, the terms of the members of the governing body of the school corporation who hold office on December 31, 2012, expire January 1, 2013. **The successors of the members shall be appointed and elected as provided in section 9 of this chapter.**

(b) On January 1, 2013, all powers, duties, and functions adhering to the governing body of the school corporation in existence on December 31, 2012, are transferred to the governing body established under this chapter.

(c) On January 1, 2013, the property and records of the governing body of the school corporation in existence on December 31, 2012, are

1 transferred to the governing body established under this chapter.
2 (d) This section expires July 1, 2016.".
3 Renumber all SECTIONS consecutively.
(Reference is to EHB 1004 as printed February 14, 2012.)

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Senator RANDOLPH